

THE
KULTURKAMPF

AN ESSAY

GORDON BOYCE THOMPSON

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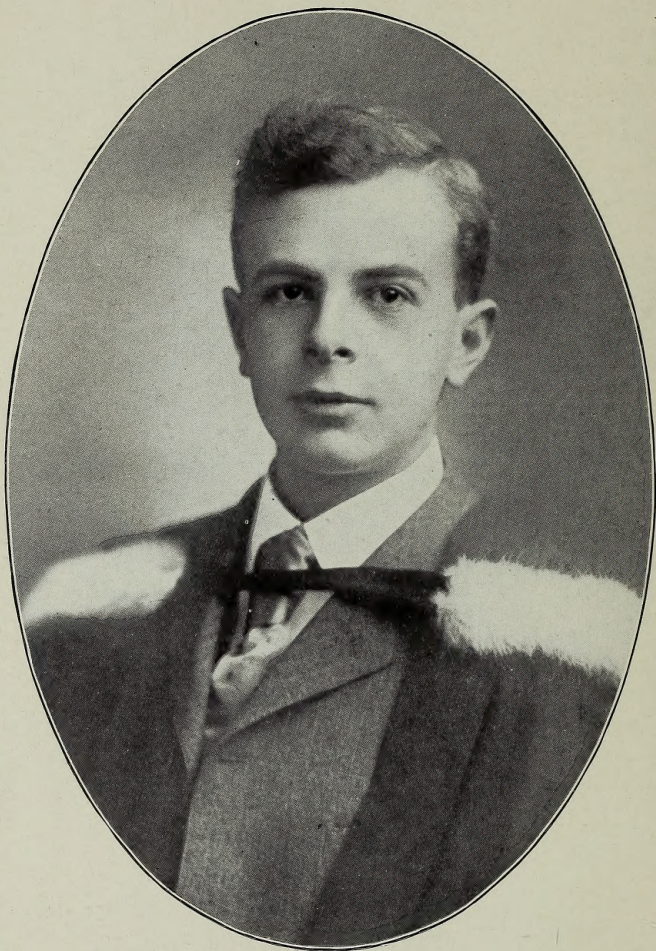
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THE KULTURKAMPF

AN ESSAY

BY
GORDON BOYCE THOMPSON, M.A.

With a Prefatory Note by George M. Wrong, M.A.,
Professor of History in the University
of Toronto

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PREFATORY NOTE

In the spring of 1907 Gordon Boyce Thompson, a young man not yet twenty-three, just graduating at the University of Toronto, told me that he intended going to Germany and asked my advice in regard to his studies. He wished to prepare a thesis for the M.A. degree and was, he said, not afraid of hard work. He had been interested in something that I had said about Bismarck's struggle with the Church in Prussia, and I advised him to take this as his topic. Thus the so-called "Kulturkampf" became the subject of his studies and, in the winter of 1907-8, he was hard at work in Berlin. He had what he himself called "a long uphill struggle with the German language." At first he could not understand a word of the University lectures, but he made rapid progress. His bright, cheery nature attracted friends, German friends as well as those who spoke his own tongue. "I am simply bathing in German, night and day," he wrote, and he was soon deep in Reichstag and Landtag debates and in reading the wide range of other literature dealing with his subject.

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The subject itself was difficult. "It involves," he wrote, "a study of Bismarck's whole domestic policy from 1870-1885." There was almost nothing in English about it and the German books were of a partisan character. He worked hard. To get his M.A. degree in 1908 his thesis must be in Toronto by the 15th of April. "I assure you I burned the midnight oil," he wrote to a friend. . . . "I felt that it was a slip-shod piece of work, but," he adds, "I learned a great deal from writing it." In due course the thesis reached its destination.

This work done, he left Berlin in the spring of 1908 for a short holiday. At the beginning of April he was in Oxford. A day spent chiefly at Dr. Osler's house filled him with delight. He was charmed with his host, and with the old books and manuscripts he saw in his library. The young scholar writes, with admiration and a little awe, of the elder scholar reading Plato in the morning, Plutarch in the evening, with a Sunday diet of Rousseau. Oxford he found delightful, but he had come to like Berlin, so at Easter he was again

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hard at work in the German capital reading, studying the people, contrasting Europe and America, and enjoying everything. Without doubt those days of strenuous labour were the happiest of his life.

He was himself deeply religious, with some thought of studying for the Christian ministry. German religious life seemed a sharp contrast to what he had known. On June 5th, 1908, he writes:

“ The Germans are at heart a religious people, but, as in the days of Tacitus, when Woden inhabited the oak tree, they still are able to get more religion out of the woods than in the churches, and the beer-gardens in the forest are still the seat of their gods. The biggest surprise I think one gets from a year or so in Europe comes when one realizes the absolute failure of Protestantism outside of England, the colonies and the United States, to hold the masses to the Church. One sometimes wishes that Luther and Calvin had never drawn breath ; the failure of their work here in Germany has been complete, the freedom which they preached has been used here as an excuse for licence. . . . There are not as many churches here in Berlin with its two and a half millions as in little Toronto, and these are very often empty. I don't know a single German, except a couple of Catholics, whoever darkens a church door. The whole system has fallen to pieces like a house of cards. For this there are several reasons, one, that

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religion is served up to the children in the schools with such an orthodox flavour that they become nauseated. In the second place, the German pastors have never advanced one step since Luther translated the Bible, and to them there is no middle ground between orthodoxy and security and Robert Ingersoll. Nine hundred and ninety-nine out of every thousand of the people have therefore naturally left the Church and refused to think about religion. The *via media* between science and the Bible, which we hear preached every Sunday at home, is unknown here."

To him European modes of thought were bracing.

"I don't want to leave Europe until I have to. There is a width of outlook, a tolerance and a charm about life on this side of the water, which is still lacking in America. I am afraid that in the States it has been swallowed up forever by the spirit of commercialism, but possibly in Canada we may yet save some remnants of the refinement of Europe. America has of course much that Europe lacks. The political and social freedom are glorious qualities, but on the other hand Europe has intellectual freedom, and although in the street the University professor must raise his hat as the automobile of majesty rushes past him yet. in the lecture room he is at perfect liberty to call the. social democrat the salt of the earth."

Of University life he says:

"The German student life, as depicted for example in Old Heidelberg is over-coloured. Outside of the 'Verbindungen' or Corps, there is no social life in

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the University. For a foreigner to become a member of one of these societies is almost impossible. In the first place they are primarily patriotic in their nature, and I am still unable to sing 'Deutschland über Alles' with the requisite fervour. Secondly, there are duelling societies; every member must duel, and that is dangerous to one's beauty. The stories of German duels are not exaggerated; fully one half of the students have slashed faces and often in the lecture rooms the smell of iodoform and carbolic on the still open sores is strong enough to take away one's appetite. I was fortunate enough to be invited to a duel a few weeks ago. It was of the severest kind, without bandages over vital organs such as the eyes, veins in the wrist, etc., both contestants being stripped to the waist. It lasted 55 minutes, and although the rules for duelling confine fighters very much in the nature of their attack, yet one man had his face slashed open from eye to mouth and the other received a severe wound on the arm. It is a barbarous business, but at the same time a great school for the development of nerve and the powers of endurance.

"Another requisite for a member of a corps is an unlimited capacity for beer and tobacco, and if for the latter of these I am to some extent properly constituted, in the former I am still an absolute tyro. Twenty *steins* in a night is nothing extraordinary. Of course I have been at many corps meetings with friends who are members. The proceedings begin at about 8.30. Usually from 15 to 20 fellows are present, all in the corps uniform. Every one sits around a great table, and the sole amusements are

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singing, drinking and smoking. This lasts till about 3 a.m., by which time, as you can imagine, most of those present are feeling a bit 'rocky.' Then a sally is made to a neighbouring café, where coffee is drunk in pretty nearly as large quantities as was the beer before it, and at about 5 a.m. the proceedings are over for another week. The gatherings usually take place on Saturday night, and Sunday, as you can imagine, is a day of rest, in the truest sense of the word."

Accustomed to the restraint of the New World the type of problem play, popular in Berlin, surprised him, but he adds :

"It is a relief to turn from these quagmires to the German love of Shakespeare. He is played far oftener in Berlin than in London, and although to an Englishman there must always be something lacking in a performance in which Viola is dubbed 'Fräulein' and Hamlet 'Sehr Genädiger-Herr' yet the Germans, to their everlasting honour, are greater lovers and greater students of the Bard than we are."

Just when Thompson was enjoying everything, and life was opening to him with richer meaning, the shadow fell. He seemed strong but an old affection of the heart, which was thought to be wholly cured, now re-appeared. Happily his mother and sister were in Berlin when he took to his bed, early in June, 1908. Almost from the first the physicians gave little hope, and on July 1st

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he died. His father, hurrying to Europe, arrived twelve hours after his son's death. I had read his thesis in May, and had written to him to say how much it had pleased me. He got the letter shortly before he died. He had had a poor opinion of his own work and now this, he said, repaid him for all his effort. His last hours were hardly sad. Waking from a short sleep a few hours before his death, he said, with a smile, "Well, Mother, I'm not dead yet." His father was coming and he showed anxiety that some one should meet him at the station ; but he knew that he himself would not live to see him. "Tell father," he said, "that I tried to hold out till he came but couldn't ; and tell him too that I've had a happy life, and don't bother and don't make any fuss." And so he died. His uncle, a London physician, who had seen many deaths, said that he could almost see the spirit leave the body : "one moment he was there, the next the body was alone."

Of Death, the great mystery, Gordon Thompson himself wrote, shortly before he died, to a bereaved friend in Canada :

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“ Death is one of the oldest events in history and one of the commonest, yet in all the ages we have never grown accustomed to it. I don't know whether it is any easier to bear it now than it once was, though if we believe our religion, it ought to be ; but now as ever, at any rate, there is the same sting, the same parting. Our religion may have grown softer, but our hearts have too, and we need more of comfort and of hopeful sympathy than our ancestors did. This comfort and sympathy cannot be expressed in words, it is something apart, too deep for expression, except it be by a look of the eye, or a warm clasp of the hand, and when the limitations of space preclude such a method, and the cold written word is one's only agent, one is tempted like Cordelia in the play, to remain silent, remembering that silence often speaks more tenderly than can any words. And yet I long to bring you something of comfort, if it be only the knowledge that your friends do not forget you in this hour of affliction.

“ Death seems often most cruel and unreasonable in its choice. On the one hand, there are many old and heart-sick people who like our Merry Monarch can only apologize and say, ‘ Gentlemen, I am an unconscionable time in dying,’ and on the other hand are the young, and brave, and hopeful, just starting out on life's journey. Yet often the former are left, and as has just happened, the latter are taken. The ‘ Why ’ of this is one of the question-marks of life ; it has turned many a man cynical and prompted him to say ‘ Death loves a shining mark.’ This is a mystery, but there is one thing of which we may be sure, and it is this, that if ——— could to-day speak

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to you from ' the other room ' where now he is, and which is bright with the sunlight of God's love and wisdom, he would say that he now could see that what had happened was all for the best, and that there was no need for weeping or regrets. Yes, I am sure at least of that ; with him now there are no more tears ; the reason of it all is known to him, and he has found it to be an ample reason.

“ And I am sure also that his wish would be that you all should industriously take up again the tangled threads, and continue to weave, in colours no less bright than those you used of old, the glowing tapestry of life. The best loyalty to the memory of him that is gone is to live loyally for those that are left, and this can only be done by wearing a cheerful countenance and by showing a thoughtful care for the petty things of a simple life. This is a task sufficient to tax the bravest spirit, but it is surely one worthy of the greatest effort.”

It is fitting that with these words of his own, eloquent with insight, the account should end of a young life whose taking adds one more to the many mysteries, to our wisdom, of Death's doings. It remains to speak briefly of Thompson's work. In Canada he had been a quiet, steady student, not seeking honours or distinction. In his new surroundings in Europe, thrown entirely upon himself, he matured rapidly. His thesis on the *Kulturkampf* shows insight and vivacity

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of style. He himself thought it immature and unfinished. But he went to original sources of information, and the subject itself is interesting and little known to the English-reading world. So it has been thought well, by those who loved him, to print the thesis as he left it, without any attempt at revising or correcting anything but the most obvious slips. Dr. G. H. Needler, Associate Professor of German in University College, Toronto, has prepared it for the press. It will serve as some slight memorial of a youth of brilliant promise. His body lies in the churchyard at East Wickham, near London, and it may be said of this little book, in the words on the memorial stone standing there, that it is "In Loving Memory of Gordon Boyce Thompson, M.A., of Toronto, Canada, died at Berlin, Germany, on July 1st, 1908, in his 24th year. 'Until the day break and the shadows flee away'."

GEORGE M. WRONG

University of Toronto,

August, 1909.

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One of Bismarck's earliest biographers, the German Görlach, was perhaps the first of his contemporaries to remark that the surest sign of the Chancellor's genius is the fact that one is obliged to go back several centuries to understand the connection of his actions. Whether this be a proof of a man's historical importance or not is a question concerning which much might be said ; at all events everyone will admit that Görlach was right in claiming it as one of the characteristics of Bismarck's work. For to understand that work in its broadest and deepest significance one must go back almost to the days of which the *Germania* treats, and must study all those elements, forces and antagonisms which have from time to time characterized the story of the German people, and which the man of blood and iron aroused, but also brought to their final crisis. He seemed to have a genius for reviving and revising history ; for writing, as it were,

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the last, or at any rate another chapter of the old, old stories of the Middle Ages. He made possible the realization of the German dream of unity, brought to maturity the fruits of the wars of liberation, re-established the imperial throne, and lastly,—and this is of more importance to us in the present connection,—he revived the ancient struggle which had filled the pages of history throughout the Middle Ages, the struggle between priest and king, between Pope and Emperor. It was indeed a far cry from Konradin of Hohenstaufen, that last representative of the Swabian dynasty who died beneath the Papal axe wielded by French conquerors, to Wilhelm of Hohenzollern, whom Pius IX. hoped to humble by the *gestis Dei per Francos*; to many it might seem that the gulf between the two was not to be bridged over. Yet notwithstanding all the changes which the lapse of time had brought forth, under Bismarck the struggle between Guelph and Ghibelline was revived, and a new chapter added to the story which for seven centuries had lain untouched. The war which the newly founded empire waged with Rome was precisely the same struggle which in 1254 had ended with the virtual destruction of the Empire. It was of course trans-

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lated into the customs of our own day, and therefore lacks much of the picturesqueness of the earlier campaign. The battles were fought no longer with swords but with words, and the journeys to Canossa performed not amid Italian snows but in modern, northern Berlin; yet this fresh struggle is in many respects as interesting and instructive as the earlier one. Like its predecessor, it is in the main the chronicle of Roman triumph and German defeat, a study of the limitations of the genius of one of the greatest of moderns; yet even though its lessons are negative, they are none the less valuable for the statesman who to-day finds himself brought into fresh conflict with Rome through the recent encyclical against Modernism. At a time when Church and State, or at least the forces of Roman re-action and secular progress have come again into conflict in half the countries of Europe, a study of the "Kulturkampf,"¹ the so-called "culture war," which was fought out thirty years ago in Prussia, cannot but be both valuable and timely.

¹ The term "Kulturkampf" is a misnomer; it gives no proper conception of the issues involved. According to Dawson, "Germany and the Germans," Vol. II., p. III, the name originated with Virchow, a Radical deputy, but I have not been able to verify this statement.

I

THE OPENING OF THE STRUGGLE

In considering the causes of the "Kulturkampf" one is quickly led into the field of international politics. The fate of the temporal power of the Pope was in reality sealed in October, 1861, when Cavour announced in the Sardinian Chamber that the King and he looked forward to the day when Rome should be proclaimed as the "glorious capital of the Kingdom of Italy,"¹ and Pius himself undoubtedly realized at the beginning of the sixties that unless heroic measures were taken in Rome the sovereignty of the Papal States would sooner or later be usurped by the newly proclaimed Kingdom. The events of the next few years, moreover, were so unfavourable to the interests of the Vatican in Europe as only to confirm the Pontiff's fears. The Italian capital was moved from Turin to Florence; on the field of Königgrätz, Catholic leadership in the German Federation was forever doomed; and owing to adverse public opinion in France and to Napoleon's personal relation with the Italian movement, the Empress Eugénie was every year less and less able to champion the temporal interests of the Pope. But on the

¹ Pietro Orsi, "Modern Italy," page 284.

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other hand, after 1866, as war between France and Prussia became more and more probable, the politicians of the Vatican, to whom the possibility of a French defeat was unthinkable, began to regard such a struggle as the cure-all for the manifold diseases from which the Ultramontane cause in Europe was languishing.¹ A French victory would undo all the mischief of the last ten years, evangelical Prussia would again be reduced to the rank of a second-rate power, and the Third Empire would be so strengthened by the victory that Napoleon would be able, perhaps, in conjunction with Austria, Prussia's ally of 1864, in this way to save the temporal power of the Pope.

It would not do, however, to leave the whole work of defence to French bayonets, and accordingly on June 29th, 1868, invitations to an Ecumenical Council were issued to meet in December, 1869. The real purpose for which the Council was summoned, namely, a declaration of Papal Infallibility, was not stated in the Bull which called the Bishops together, but nevertheless the Jesuit plans were known early in 1869 in every capital of Europe through a hint which was

¹ Bismarck, "Reflections and Reminiscences," Vol. II., p. 103.

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given in February, doubtless intentionally, by the editor of the "*Civiltà Cattolica*," a semi-official Jesuit paper published in Italy.¹ A declaration of Infallibility was looked forward to with anxiety by almost every government in Europe. Especially was this the case in Bavaria, where the Minister-President, von Hohenlohe, in April, 1868, went so far as to issue a letter² to all the European governments pointing out the dangers which would accrue from any further extension of the Papal claims. During the session of the "Zollparlament" in this year Hohenlohe and Bismarck "often discussed the matter, and always in perfect agreement," and the Bavarian minister knew in this way "with what dread and growing anxiety" the Chancellor viewed the step which the Vatican was contemplating.³

One does not wonder at Bismarck's anxiety, for the new dogma, while aimed perhaps primarily against Italy, would also be meant for a very direct attack on the German Con-

¹ The text is given in full in Hahn's Documents, p. 7.

² Feb. 6, 1869. A German text is given by Hahn, p. 9.

³ "Fürst Bismarck," Hahn, Vol. II., p. 372, from a report of Prince Hohenlohe to his constituents, 1874. Hahn's Documents, p. 9.

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federation as the "Revanche für Sadowa,"¹ as the requital for the crimes which the Protestant state had committed since 1866 in working for the unity of Germany on evangelical lines and encouraging that of Italy in its efforts to capture Venice and Rome. The Chancellor was moreover aware "that there was a party in the Vatican possessed with the fixed determination of disturbing the religious and political peace of Europe, in the fanatical conviction that the universal distress produced by such disturbances would add weight to the Church."² Nevertheless he resolved to await developments and, so long as the operations were carried on purely in the theological field, to remain passive. "Our operations can only be commenced when we see danger of political encroachments," he wrote in January, 1870.³ "For Prussia there is constitutionally and politically only one standpoint, namely, perfect freedom for the Church in religious matters, and determined resistance to every encroach-

¹ View of Blum, "Das deutsche Reich" p. 19, and of Görlach, "Prince Bismarck," p. 212.

² Bismarck to Hohenlohe, Aug. 11th, 1869, Hahn p. 9, Görlach, p. 212.

³ Despatch to von Arnim, ambassador at the Holy See, Jan. 5, '70, Hahn pp. 21, 22, 23.

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ment on political territory." "Our waiting policy becomes all the easier," he continued, "because, whatever may be the final result, we especially have no cause to fear any political dangers—since we are certain to find on the field of legislation the means for overcoming every crisis and reducing the claims of our opponents to a level conformable with our political life." ¹

The Council met on December 8th, 1869, and as soon as it became clear that a desperate effort would be made by the Jesuit party to pass the new dogma, thousands of voices were raised in opposition all over Europe, and after the French and Austrian governments² had sent in protests to the Holy See and the German Bishops³ had added their voices to the general cry of disapproval, Bismarck himself went so far as to instruct

¹ Despatch to von Arnim, May 24th, '69, Hahn pp. 12, 13, 14.

² The Austrian government officially protested on Feb. 10th, 1870, Hahn pp. 24, 25, and the French on April 4th, Hahn pp. 26, 27.

³ The German bishops first protested in a pastoral letter addressed from Fulda on September 6th, 1869. A General Council will never and can never pronounce any new doctrine which is not contained in the Holy Bible or Apostolic records, they wrote, as if trying to reassure themselves; Hahn p. 17. They again protested in January in conjunction with the Austrian bishops, Hahn pp. 23, 24, and again on April 10th, Hahn pp. 27, 28.

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the North German ambassador at the Holy See to inform the Papal Secretary that the fear had been expressed in Germany that the doctrine which Rome was threatening to proclaim "might throw the relations of Church and State into confusion."¹ "We have no interest in weakening the authority of the Pope," Arnim reported to Antonelli, "but in Germany Catholic and Protestant must live together in peace." Further than this Bismarck did not feel able to go, and although the Pope's irresolution was doubtless in no small measure to be ascribed to the opposition manifest in Germany, such measures were in reality lost on the Vatican.

On the 18th of July, 1870, the Papal Infallibility was declared, on the 19th war broke out between France and Germany. Even so fanatical a Protestant as Blum admits that "no one would assert that France had anything to do with the Dogma;"² nevertheless the two declarations had this much in common that they were both aimed against Prussia. In after years it seemed to Bismarck that "the Empress Eugénie's partiality for the warlike tendency in French politics could hardly have been unconnected

¹ April 23rd, 1870, Hahn pp. 29, 30.

² Blum p. 18.

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with her devotion to the Catholic Church and the Pope," and that "in case of victory the Empress would have shown her devotion to the Pope in Germany" and so have provided a *fiche de consolation*, even if an inadequate one, for the injuries which the Papal See had sustained in Italy with, and by means of, Napoleon's concurrence.¹ Once let the French armies reach Berlin and the interests of the Catholic Church in Prussia would be safe for many years to come.

Such were the hopes of the Curia, but never were hopes destined to bitterer disappointment. Sedan fell; Eugénie fled to Protestant England; the Paris mob, with the roar of German cannon in its ears, emancipated itself from the leadership of the Jesuits and proclaimed a republic; and on September 20th, as the German artillery bombarded Paris, the Italian troops entered Rome, and the Temporal Power was proclaimed to be at an end.

Pius was alone in Europe, the enemy within his gates and he himself without an ally. Prussia had been responsible for it

¹ Bismarck, "Reflections and Reminiscences," Vol. II., p. 103.

See also Bismarck's speech of March 10th, 1872, in the Herrenhaus when he spoke of what had been expected "from the *gestis Dei per Francos* in the ecclesiastical realm in Germany."

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all, the fight at Sedan had opened the way to Rome to the Italian armies ; yet for the present it was quite manifest that revenge was not to be thought of ; that could wait, for the Infallibility Dogma was a weapon which would not grow rusty. On the other hand, the crying necessity of the moment was to provide a place of refuge for the Holy Father in case the Vatican itself should be attacked and he forced to fly from Rome. France and Italy were closed to him, Austria was insecure, and the Pope's advisers found themselves face to face with the astounding fact that it was only within German borders that a suitable asylum could be found.

Accordingly, early in October, the Pope approached Graf von Arnim, the ambassador of the North German Federation at the Holy See, on the subject of his finding a place of refuge in Germany, and on the 7th Bismarck received a telegram at Versailles from Arnim asking whether the Pope " in case he wished to leave Rome could rely on the protection of His Majesty the King of Prussia."¹ The Chancellor replied next day in the affirmative, and is reported as having said in regard

¹ The text of both messages is given by Wiermann " Geschichte des Kulturkampfes," p. 4.

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to the matter :—" We have been asked whether we could afford the Pope an asylum. I have nothing to say against the scheme : Schloss Brühl at Cologne or Fulda are open to him. It would be an unheard-of turn of events, but a very useful one for us, if we could appear to the Catholics as the only power of the present day, as indeed we are, that could and would afford protection to the highest prince of their church."¹

There was moreover in parts of Germany itself a strong feeling that one of the first acts of the new Empire should be intervention on behalf of the territorial interests of the Pope, and early in November Count Ledochowski, the Archbishop of Posen and Gnesen went to Versailles to interview Bismarck on the subject.² The Chancellor, who at this time was afraid that the interference of the neutral powers might spoil the results of the Prussian victories, suggested that Germany might support the Pope, provided that Papal influence should be brought on the French clergy in the interests of peace.³ Ledochowski tried to move several members

¹ Busch, " beim Tee," I., ch. 1, p. 337, cited by Wiermann, p. 3.

² Bismarck, " Reflections and Reminiscences," p. 53.

³ See " Bismarck in Versailles, Erinnerungen an Versailles, 1870-71," Leipzig, 1886.

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of the higher clergy in the direction indicated, but could only report that his advances had been coldly met and declined ; and from this Bismarck concluded, to quote his own words, " that the Papacy must either lack the will or the power to afford him any assistance in obtaining peace of a sufficient value to make up for the displeasure which would be felt by German Protestants and Italian Nationalists should the Empire openly champion the Papal interests in regard to Rome."¹ In other words, as soon as Bismarck saw that Germany could gain nothing in France or elsewhere by supporting the temporal power, he resolved, notwithstanding the assurances which had been conveyed through Arnim to the Holy Father, to take no part whatever in the Roman question.¹

A few days after Ledochowski's return to Germany the elections to the Prussian Abgeordnetenhaus took place.² During the campaign in many of the ridings candidates of the most varied political opinions had come forward and pledged themselves to protect the Church should it be attacked in the general re-organization of Germany, and

¹ This opinion is expressed by Wiermann, p. 3, and by Paul Majunka, " Geschichte des Kulturkampfes," p. 38.

² Nov. 16th, 1870.

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to support a movement for the restoration of the Pope. In the preceding August the Prussian bishops, despite their protests of an earlier date, had finally accepted the Infallibility Dogma in their official capacity,¹ and in the election campaign great numbers of the Prussian priesthood worked on behalf of the candidates who had declared themselves in favour of the Ultramontane propaganda. The cause was naturally a popular one in many neighbourhoods, and no less than sixty Catholics found themselves elected as members.² At the time of the elections there was no intention of building up an Ultramontane "fraction" in the House, although the idea of a Catholic party was by no means new.³ In 1852 owing to certain anti-Jesuit decrees, the so-called "Katholische Fraktion" was founded, and gained sixty-one seats in the election of that year. For ten years the party had continued to send a similar number of deputies, but when Bismarck entered the ministry in 1862 the people became more and more interested in

¹ Hirtenbrief der wiederum in Fulda versammelten deutschen Bischöfe—Hahn pp. 36, 37, 38.

² Blum, "Das deutsche Reich," p. 28.

³ An excellent review of the history of the "Katholische Fraktion" from 1852-70 is given by Majunka, "Geschichte des Kulturkampfes."

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the constitutional conflict and church questions sank into less prominence, so that finally in 1867 the Catholic party ceased to exist in the Chamber. But in the autumn of 1870 the public mind was dwelling again on ecclesiastical problems ; the effects of the French war and the Infallibility Dogma upon the position of the Catholic Church in Prussia could not be calculated definitely ; the Pope moreover was in need of help, and altogether it was easy for office-seekers so to work upon a nervous electorate as to induce it to return a large number of Catholics irrespective of the party to which they belonged. At the same time, it is well to repeat that in 1870 there was no intention of establishing a new "fraction" or of reviving the old one,¹ and to describe the Catholic members as constituting at this time a new party is doubly incorrect. The leading Ultramontanes had

¹ The evidence seems to be quite conclusive on this point. Blum p. 28, who is throughout most hostile to the Catholics, tells of a dinner given by von Savigny in Berlin at the end of 1870, at which "der geistliche Rat Müller" proposed the formation of a Catholic party. Peter Reichensperger, one of the most violent of Ultramontanes, declared in reply that "that would be a great misfortune for them as Catholics." ("Das wäre ein grosses Unglück für uns Katholiken.") Windthorst also disapproved of the plan most strongly. The original account of this incident is given, according to Majunka, p. 35, in the "Bonifaciuskalender" of 1883, edited by Müller and also in his "Märkisches Kirchenblatt," but I have not been able to obtain either of these originals. See Appendix A. p. 133

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declared against such tactics. On the other hand, what was intended was that in case the position of the Church in Prussia should in any way be menaced owing to the unsettled conditions of the times, then and not before, these men and, it was hoped, also others, irrespective of creed or party, might band themselves temporarily together in the effort to promote the religious interests of the people. There was no party organization during the elections, nor for some time afterwards.

On December 14th the House came together. The Ultramontanes, still without party organization, took the seats assigned to them in the centre of the chamber. For a complete month they continued so, and then suddenly, on January 11th, 1871, they constituted themselves into the "Constitutional Party" (*Verfassungspartei*) or "Centrum."¹ The causes for this step are not difficult to discover; by the beginning of the new year the failure of Ledochowski's expedition had become known, and it was generally supposed that Bismarck had decided to refuse to support the Pope. It was to win this support that the Catholic members had

¹ Majunka p. 35.

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been elected ; had it been freely given they would not at this time have constituted themselves into a party ; but the support had been refused, and the time had therefore come for concerted action. There was in reality no change of front, no contradiction of the expressed convictions of the leading Catholic politicians in regard to the inadvisability of reviving the Catholic Party ; for the Catholic Party had not been revived. The two names which had been provided for the new "fraction" were absolutely non-sectarian, and it was hoped and even expected that many Protestants who favored the restoration of the Pope, would join with the Centrum until the present crisis should be passed. It was felt that there was no time to be lost in beginning the campaign for German intervention in Italy, and on February 18th an address¹ was sent to the Kaiser at Versailles, praying that "one of the first acts of the Imperial wisdom and justice" might be "the restoration of the rights and freedom of the Holy Father." For the Papacy there could be no other independence than sovereignty itself.

¹ Hahn p. 41, "Adresse an den Kaiser Wilhelm in Versailles um Wiederherstellung des Kirchenstaats und der weltlichen Souveränität des Papstes."

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The elections to the first Reichstag took place on March 3rd.¹ The fears of the Catholic South for the fate of their Church in the newly-founded Empire, and the natural desire that the Pope should be restored to power in Rome, caused the Ultramontanes to make a determined effort to gain representation in Parliament. In order to capture the votes of those people to whom the religious causes did not appeal, the candidates also pleaded against over-centralization in Berlin and the complete sinking of the nationality of the various states in that of a united Germany. In short, the Catholic and Individualistic policies were united, and thus it came about that Ultramontanes, Poles, Guelphs, Social Democrats, and later the French of Alsace and Lorraine, and indeed every opponent of Nationalism, helped the new party on to victory and the capture of over sixty seats in the first Reichstag.²

The questions at issue came up almost immediately upon the meeting of the House, when it was moved that in reply to the Address³ from the Throne the hope of the

¹ "Provinzialkorrespondenz," Jan. 23rd, contains the writ for the elections of Mar. 3rd.

² "Provinzialkorrespondenz," April 5th.

³ The reply was moved by von Bennigsen, March 29th, 1871. Sten. Berichte, Reichstag. Periode I., Session I., Band I.

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members should be expressed "that the days of interference in the inner life of other peoples would on no account and under no circumstances be renewed." "We must make it quite clear," said the mover, "that the new Empire has not the slightest intention of embarking on any German-Italian or German-Christian course of policy." Reichen-sperger, at this time the virtual leader of the Opposition, replied that the Pope's house was burning and that it was only Christian duty for a neighbor to make some effort to save it, but in the division which followed the Centrum stood almost alone, faced by a majority 250 strong.¹

But the first debate in which the two parties which were to decide the fate of the Empire during the next ten years were sharply defined occurred during the "Grundrechtsdebatte" in April,² when Reichen-sperger on behalf of his party proposed in an amendment to the constitution of the Empire, already agreed upon by the princes at Versailles, seven articles³ which should define the fundamental rights of the German

¹ Division of March 30th, 1871, 43-63. Sten. Berichte, Reich.

² Grundrechtsdebatte, April 1-4th, *ibid.* Per. I, Ses. i. Bd. I.

³ For text of chief articles see Appendix B, p. 134.

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people. They were nearly all taken bodily from the Prussian constitution of 1851,¹ and in addition to providing freedom of speech and the right of assembly, dealt in two sections with the position of the Church in the new Empire. The first asserted the freedom and equality of religious belief; the second, that all sects should "independently order and conduct their affairs and remain in possession and use of their establishments and funds for education and charity." To give anything like a full account of the debate that followed would take many pages. This motion for the support of which the clericals had really primarily been elected, is justly described by Wiermann as an attempt to establish "as a foundation principle in the new constitution of the German Empire, the absolute freedom of the Roman Catholic Church, of her orders, her press and her political agitators."² The sections of the Prussian constitution which deal with civil marriage and the freedom of science and its teaching, ever thorns in the flesh of the

¹ Articles 12, 15, 27, 28, 29, 30 were included almost *in toto*. See von Stengel, "Die Organisation der preussischen Verwaltung," Leipzig, 1884. "Die deutsche Reichsverfassung," von. Ph. Zorn, Verlag von Quelle & Meyer in Leipzig, o. D.

² Wiermann, "Geschichte des Kulturkampfes," p. 14.

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Roman Catholic Church, were naturally not included among those which the Centrum members proposed to incorporate in the Constitution of the Empire, and the proposal was of course attacked on this ground.¹ But nevertheless the Centrum, whose members have always posed as the champions of freedom, declared the motion to be the "magna charta" of religious peace in Germany and Bishop von Ketteler warned the House amid great excitement, that the rejection of the amendment would violate the religious convictions of Alsace.² But the eloquence of the Centrum counted for little, and as before it stood alone in support of the incorporation of the sections.³

The introduction of the Centrum into Landtag and Reichstag were events most displeasing to Bismarck.⁴ In both Houses

¹ Heinrich von Treitschke asked, "Where is the article from the Prussian constitution declaring 'Science and its teaching is free.' Where is the sentence permitting civil marriage?" Sten. Berichte Reichs., April 4, '71, Per. 1, Sess. i., Bd. 1.

² Speech of Bishop von Ketteler, Sten. Berichte Reichs. April 4th, '71, Per. 1, Sess. i., Bd. 1.

³ Division of April 4th, 223-54, Sten. Berichte, Reichs ibid.

⁴ "On my return from France, I was not able to view the foundation of the party as other than a mobilization of Party against State," Bismarck in Prussian Abgeordnetenhaus, Jan. 30th, 1872. Sten. Ber. Abgeor. Ses. '71-72, Bd. 5. He also regarded it "as the most unheard-of event in political life that a confessional party should be formed in a political assembly." Ibid.

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the party constituted a powerful opposition to his plans for the further unification of the German states in the bonds of fellowship. The Centre¹ represented a great deal of the local disaffection due to the ancient division of Poland and the modern annexations of 1866. Windthorst,² a former minister of the King of Hanover and a malcontent autonomist, who gradually assumed the leadership of the party, was a man particularly distasteful to the Chancellor. Sharp-witted and of still sharper tongue, a Catholic and an Individualist, he was naturally never *persona grata* to Bismarck.³ No wonder

¹ Using the term in its wider sense to include Poles and Guelphs.

² For information concerning Ludwig Windthorst see the books "Ludwig Windthorst, zur Erinnerung an sein Leben und Wirken," Köln, 1891, and "Ludwig Windthorst, Ein Lebens-und Characterbild, von einem Freunde des Verstorbenen," 4. Aufl. Heiligenstadt. He was born in Westphalia in 1812, studied at Heidelberg and Göttingen, and was Minister of Justice in Hanover from 1851 to 1855 and again from 1862 to 1865. When Hanover was absorbed he entered the Prussian Abgeordnetenhaus 1867, and in 1871 the Reichstag, remaining a member of both assemblies until his death in 1890. During the animosities of the Kulturkampf, he and Bismarck became personally estranged, but ultimately became good friends again. Speaking with Dr. Hans Kleser at Friedrichsruhe on May 31st, 1892, Bismarck in referring to his retirement said, "Even Windthorst heard of it, and sought an audience of me, and this I granted him. It is true that he said that he sincerely wished me to continue in office."

³ He was a man, according to Bismarck, who was always doubtful as to the advisability of the re-establishment of the Empire. Sten. Ber. Abgeord. Jan. 30, '72, Sess. '71-72 Bd. 2. "The oil of his words is not of the kind that heals wounds, but of that which feeds fire, fire of passion." Sten. Ber. Abgeordnetenhaus, February 9th, 1872, Session '71-72, Band 3.

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the Chancellor viewed the mustering of these black-garbed hosts with an anxiety almost akin to alarm. A party whose great bond of union was that of a common confession he declared to be an unheard-of innovation in modern politics, and he soon came to fear that the Centrum meant nothing less than a mobilization of a party against the state. Twice in the Reichstag the Clericals had been defeated, and the Chancellor now determined to attack them outside the chamber. The politic desire on the part of the Papacy to keep on friendly terms with the Imperial government so long as there remained any chance that the Pope would have to leave Rome, was paraded before the whole world on March 6th, 1871, when the "*Norddeutsche Allgemeine Zeitung*" published a Papal greeting¹ to the new Kaiser, couched in the most friendly terms. It gave eloquent expression to the great joy with which the Pope had witnessed the revival of the Imperial throne, and to the readiness of the Holy Father at all times to be of service to the Emperor ; further it thanked His Majesty for his "remarkable

¹ "Glückwunsch des Papstes an Kaiser Wilhelm auf die Anzeige von der Wiederaufrichtung des Kaiserthums," Hahn p. 42.

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expression of friendship." "We pray the Giver of all good things, that He may richly bestow upon your Imperial and Royal Majesty every true blessing, and may unite you with us in the bond of perfect love." Bismarck at once decided to test this proffered friendship by asking the Pope publicly to disavow the tactics of the Centrum,¹ or at least to admonish privately its leaders, and thus sow the seeds of discontent within the party itself. Negotiations were at once opened up, and for a time it seemed as though Bismarck would be successful. The apprehension of the clerical leaders in Germany, however, caused such pressure to be brought to bear upon the Vatican, that in the end Antonelli wrote to the Bishop of Mainz² expressing his great gratification at the "efforts of the party to promote the well-being of the Church and Holy See," and thus Bismarck was defeated in his

¹ In connection with this whole affair see letter of Bismarck to Graf Franckenberg, June 19th, given by Hahn p. 48, also Majunka, p. 44 *et seq.* "I have instructed the embassy of the German Empire in Rome to make quite certain, as opportunity offers, whether the position of this party, Centrum, which describes itself as the special representative of the Holy See, corresponds with the intentions of His Holiness ;" in reply to which he said that Antonelli had given expression to his "disapproval of the position of the Centrum and the personal opinions of His Holiness."

² Antonelli to von Ketteler, June 5th, in reply to his of May 5th. Wiermann quotes both letters in full, p. 24. Also Hahn p. 49.

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attempt to cut the enemy off, as it were from the base of supplies. The incident, following as it did so closely upon the Papal congratulations, proved how meaningless the declarations of Roman friendship really were, and Bismarck¹ was not long in defining in the clearest terms the attitude which the government would in the future adopt towards the Centrum. In the course of an article² which appeared in the "Kreuzzeitung" of June 22nd, he wrote :

"The German Imperial Government, which has so far met the evolution of the clerical party with an attitude of reserve, would not dare place itself in a position of having to assume a purely defensive attitude against any persistent form of aggression. It will, and indeed in the near future must, decide to meet aggression with aggression equally powerful."

In a sense this article was a declaration of war, and indeed in some ways it is difficult to see how such a declaration could have been much longer postponed. Had the Cen-

¹ There is little doubt of its being the Chancellor's work. The author of "Bismarck nach dem Kriege," Wagener, says he copied it down from dictation and took it to the Chancellor for correction.

² Quoted by Majunka p. 48. He calls it the "Kriegserklärung."

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trum stood alone, repudiated by, or at any rate, independent from Rome, the *casus belli* would not have been so manifest. But the Pope had approved of the work of the party, and the members of the Centrum, constituting as they did one quarter of both Reichstag and Abgeordnetenhaus, and representing the religious convictions of about one half of the German people, could only be considered as the champions and subjects of a power which was known to be an enemy to the further welding together of the Empire and which nine months before had issued "a declaration of war against the culture and government of the entire world, and particularly of Germany itself."¹ And as subjects and enthusiastic supporters of a foreign potentate, could their obedience to him be reconciled with the integrity of their civil allegiance? It was indeed just this question which had been agitating the statesmen of Europe ever since the Papal decrees of the previous year. An absolute obedience to the Pope, at the peril of salvation, not only in the realms of faith and morals, but also of church discipline and government, was required of every member of the Catholic communion, and how far these realms ex-

¹ Blum p. 19.

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tended, only the infallible Pope himself could decide. Anyone familiar with the conditions of European society will at once realize how many are the points of contact between those things that belong to the domain of the State, but also undeniably affect the government of the Church. Marriage, burial, education, blasphemy, poor-relief, mortmain, religious endowments, vows of celibacy and obedience, all fall within the zone, which had formerly been neutral and had now been peremptorily claimed by the Pope. It is, moreover, well to remember that this claim had been lodged by a Pontiff who had condemned free-speech, a free press, and liberty of conscience. Assuredly it is not to be wondered at if, in a country like the newly-founded German Empire, where a party had arisen to champion the validity of these exorbitant claims, the government rose up and said, "We shall answer aggression with aggression." The members of the Centrum were, in short, the leaders in an attack on the powers of the Crown, the one central pivot around which it was possible in 1871 to build up a united Germany. That this attack was no mere product of nervous imagination had already been proved

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by events in the country at large. Towards the end of the year 1870, the Archbishop of Cologne had dismissed from their office as priests several professors of theology at Bonn who had refused to accept the new doctrine. On January 19th, 1871, the Prince Bishop of Breslau had asked the Minister to remove twelve teachers from the Catholic gymnasium in his cathedral city, who had likewise openly declared against infallibility. And in April the Bishop of Ermeland excommunicated the director of the gymnasium in Braunsberg and forbade two other teachers to pursue the profession to which the State had called them.¹ It was, indeed, only too clear how real the danger was which had been brought into being by the Vatican decrees.

But in addition to the danger thus created, there was yet another cause, which decided Bismarck definitely to adopt an aggressive policy towards the Church, and this was the part which Roman Catholicism was playing in Poland. "Indeed the beginning of the Kulturkampf was decided for me preponderantly by its Polish side,"² the

¹ See Blum 57, 58. The documents in connection with the Braunsberg incident are given by Hahn pp. 52-57.

² Bismarck "Reflections and Reminiscences," Vol. II. P. 57.

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Chancellor wrote many years later. The Catholic Church generally and the Catholic section of the department of education in particular had for many years found it wise to foster the use of the Polish language in West Prussia and Posen, because a people whose ideas remain bounded by the limitations of national speech are naturally quieter under priestly sway than if they gave up their language and adopted a world tongue. In carrying out this policy, "whole villages," says Blum, "were turned in the course of a couple of generations from German strongholds to Polish, and German grandparents, who had not understood Polish, left behind them Polish grandchildren who were not masters of German."¹ A more direct attack upon the centralizing policy of the Chancellor could not be imagined, and it is not improbable that the condition of affairs in Poland had more effect in deciding Bismarck's course of action than the Infallibility doctrine itself.

Bismarck always insisted that the struggle, although waged against the Church, was not religious, but political.² "So far as I was

¹ Blum, p. 35.

² "The question which we have on hand will contradict my expectations, if people regard it as a confessional, ecclesiastical matter. It is essentially political," Bismarck in Herrenhaus. Sten. Ber. Herrenh. March 10th, '72, Ser. '72-73 Bd. I.

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concerned," he writes,¹ "the course of our policy was not determined by religious considerations, but purely by the desire to establish as firmly as possible the unity won on the battle-field." This unity, he considered, had been threatened by the Declaration of Infallibility, by the establishment of the Centrum, and finally by the tactics of the Catholic Church in Poland. He saw in the Roman Church merely "a political institution under ecclesiastical forms,"¹ and in the Catholic clergy a great band of political agitators "filled with the conviction that for them freedom lies in dominion."² Undoubtedly the chief cause for his "declaration of war" lay in his alarm lest in the organization of the Roman hierarchy a power might arise within the Empire which should be hostile to what he conceived to be in the best interests of the State. Whether on the other hand he was also moved by Protestant animosity to the Catholic Church is not so clear. His remark to the Bishop of Mainz "that the scripture is against a priest ever obtaining salvation,"³ may be interpreted as a typical example of Protestant charity

¹ Bismarck, "Reflections and Reminiscences," Vol. II, p. 55.

² Ibid.

³ Ibid, p. 56.

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towards Rome or as one of those grim bits of wit of which Bismarck was so fond—as you will. What is of more importance is the fact that, whatever his private feelings, he was forced into an alliance with a large party which, to quote the words of an American writer on the subject, “ appealed at once to the memories of the Reformation, stirred up all the latent hatred of Rome which is as strong in North Germany as in England ; and with others he saw in this an opportunity for more completely subduing all to the triumphant power of the State.”¹

¹ “ Bismarck and the Foundation of the German Empire,” James W. Headlam, p. 394.

II

FROM THE BEGINNING OF LEGISLATION TO THE MAY LAWS

JULY, 1871—DECEMBER, 1872

The first act of aggression on the part of the State after the so-called "Kriegserklärung," was the abolition of the Catholic Section in the Department of Public Worship.¹ The influence of this institution in Poland has already been commented upon, and to Bismarck it seemed that there was no remedy for the existing condition of affairs except its abolition. The director of the department was a certain Dr. Krätzig, a man who had expressed himself "as ready to believe anything that the Holy Father might teach,"² and according to Bismarck, "as good as a serf of the Radziwills,"³ the leading family of the Polish aristocracy. "More than once did I explain to the King," writes Bismarck, "that this section was worse than a nuncio in Berlin ; that it acted in accordance with

¹ Established under Friedrich Wilhelm IV. in 1841. See order of abolition of July 8, 1871, Hahn p. 50.

² Krätzig, *Geschichte des Altkatholizismus*, p. 70. Majunka p. 55, calls him "a true servant of the Church."

³ Bismarck, "Reflections and Reminiscences," Vol. II., p. 60. He had formerly been in their employ and "probably continued so while in the public service," p. 58.

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orders received from Rome and that it had lately become more particularly open to Polish influence.”¹ The abolition of the section was, however, strongly opposed, naturally by the Radziwill influence at Court, but also by the Minister of Public Worship, Dr. Müller, by his wife, and by the Empress.² Augusta’s prejudice in favour of Roman Catholicism was perhaps the strangest trait in a nature otherwise entirely wanting in originality. In her early days it had been an interesting break in the general uniformity of Berlin society when anyone was a Catholic,³ and she never appears to have got rid of the impression of her youth, with the result that she always cared more for the applause of Catholics than of her own co-religionists.”⁴ “The Emperor, who was often made ill through annoyance”⁵ at her interference, was at first controlled by her wishes in regard to the Catholic Section, and in the Ministry

¹ Bismarck, “Reflections and Reminiscences,” Vol. II., p. 58. See also speech of Jan. 30th in Abgeordnetenhaus.

² Bismarck, *Ibid.* Vol. II., p. 60.

³ *Ibid.* Vol. II., p. 106, where he recounts how Savigny had told him as a boy that he, Savigny, had adopted the Catholicism of his mother rather than the Protestantism of his father, because it “was so much more distinguished to be a Catholic. After all, every silly boy was a Protestant.”

⁴ Bismarck, “Reflections and Reminiscences,” Vol. II., p. 106.

⁵ *Ibid.* Vol. III., 231.

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of Public Worship, where the wife of the Minister was the most intimate friend of the Empress, conjugal influence also for a time held sway. But in the end the ladies "Unter den Linden" were defeated by the statesmen in the Prinz Albrecht Strasse, and on July 8th the Catholic Section was abolished with the consent of the King.¹

At the same time, in reply to a petition from parents of children attending the Gymnasium at Braunsberg, begging that their children might be excused from religious instruction at the hands of a rebel against Infallibility, the government ordered that all children must either attend the classes or leave the school entirely. Indeed, according to the law, the Government could not have done anything else. The plea had been made on the ground that children reared in a religious belief other than that taught at the neighbouring school should not be urged to attend the religious instruction.² But the government held that in this case the children had been brought up as Catholics and that the instruction given was also Catholic, and that therefore the provision did not apply.

¹ Royal Decree, Allerhöchste Ordre, July 8th, 1871, Hahn 49, 52.

² See Wiermann, p. 27.

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Similar conflicts arose in many dioceses ; on the whole the State was patient, but nevertheless firm.¹ In no case did the government "make any opposition to the spread of the teaching of the Council, but only took upon itself to protect by the civil arm those of its subjects who found themselves prevented from acknowledging the validity of the Council's decrees."² An address³ to the Kaiser was signed in September by the assembled bishops at Fulda, but the day for addresses was over, and events moved on with rapidity.

Nor was the strife confined to Prussia. Already by the beginning of 1871 the flame of war had burst forth in Catholic Bavaria⁴ owing to the dismissal from office of a

¹The order was accompanied by a full explanation of its motives, which were summed up in the following sentence. "Owing to the decisions of last year's council in Rome, the relations between the Church and the State have been so deeply affected, that the State finds itself forced to adopt the point of view of civil law in regard to her relation to the Catholic Church."

² Wiermann, p. 27. *Provinzialkorrespondenz* July 8th, 1871.

³ September 7th, Text in Hahn p. 55.

⁴ The following notes on the Old Catholic movement are taken from Blum, pp. 60, 61 ; it was impossible to include anything more detailed here. For a Catholic view of the subject, Krätzig "*Geschichte des Altkatholizismus*" may be consulted ; for a corresponding Protestant treatment of the subject see the book entitled "*Bedeutung des Altkatholizismus für unsere Zeit und für das deutsche Volk, von einem Protestanten*," Hanover, 1882. Majunka and Wiermann in their books on the *Kulturkampf* give both sides of the question.

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priest who had refused to confess belief in the new doctrine. The Bavarian government, under the leadership of minister-president von Bray, acted with little force or decision, and permitted parents who were dissatisfied with the religious teaching in the neighbouring school to keep their children at home. The Ultramontanes looked forward to an early victory and both published the dogma without the king's consent, which had been forbidden, and punished anyone who objected with the ban of excommunication. But they miscalculated in reckoning the power and energy of those few German Catholics who preferred to think for themselves on so important a matter as Papal Infallibility, and indeed there have been few braver struggles than that made in Bavaria against the exaggeration of the Papal power. There has always been in the south of Germany a certain pensive individualism which has never been so prominent a feature of the intellectual life of the North, and it is thoroughly characteristic that, whereas the movement against church encroachments was carried on in Prussia almost entirely by the government itself, in Bavaria the struggle was the work of isolated individuals whose sense of duty and love of

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truth prevented them from swallowing piecemeal the Vatican dogmas. Chief among these free-thinking Catholics stands von Döllinger of Munich, who "for almost an entire generation had been considered to be the most learned theologian of Catholic Germany."¹ Although the movement which is associated with his name is beyond doubt the most interesting of the manifold results which flowed from the decrees of 1870, it is impossible to give more than the briefest outline of it here. Early in 1871 Döllinger was excommunicated, and on the 6th of April the Munich professors and docents sent him an address which, after speaking of "the unchristian tyranny in the service of which the bishops had enrolled themselves," breaks out passionately with the question, "Does God need our lies?" to which it gives no uncertain answer. Four days later a great mass-meeting was held in the Museumsaal in Munich. Every speaker was punished by excommunication. By August the feeling

¹ Werner, *Geschichte der Katholischen Theologie*, Wien 1866, p. 470. The account continues, "He is beyond doubt one of the greatest intellectual lights that the Catholic Church of the present day has to show." He was mentioned as one of the theologians whom Germany should send to the Council, and the Pope would have been pleased to invite him had he not been informed that Döllinger would not come. "Documenta ad illustrandum Conc. Vat." p. 277, cited by Gladstone, "Rome, Newest Fashions in Religion," p. 123.

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had grown so strong that steps were taken to establish a Church which should persist in the belief that had been in vogue since the early days of the Catholic Church. At a meeting in Munich in September a formal statement of Old Catholic teaching was given out and a motion passed amid tremendous applause for the expulsion of the Jesuit Order from Germany. Majunka, writing thirty years after the event, refers to the meeting as that of "a couple of dozen professors in Munich who supposed themselves cleverer than the assembled episcopate of the entire world,"¹ but in 1871, especially after the recognition of the new society by von Lutz, who had replaced von Bray at the head of the Bavarian government, the movement seemed to portend a schism in the Catholic Church greater than she had seen since the days of Luther.

The Bavarian government, which had now taken up the fight with some spirit, proceeded to introduce a proposal into the Bundesrat that through an addition to the criminal code the use of the pulpit for political agitation should be punishable by two years imprisonment.² There is no doubt that many

¹ Majunka, p. 51.

² See Appendix C, p. 131.

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of the Catholic clergy in the excitement of the election had indulged in statements prejudicial to the State, and von Lutz was to some extent justified when in introducing the bill he declared the question at issue to be : " Master of the State,—the government or the Roman Church ? " And yet on the other hand it was by no means a measure in the direction of freedom. " Every other officer of the State can raise the objection of truth in the public discussion of any civil regulation," complained von Ketteler. " This law will hang like the sword of Damocles over the pulpit of every clergyman in the German Empire." The clericals could this time well play their usual rôle as the champions of liberty, and they opposed the law vigorously as denying freedom of speech. But in the division of November 28th the " Kanzel-paragraph " was passed with all votes save those of eleven Progressives against the Centrum.

Just before the close of the year Müller introduced into the Prussian Abgeordnetenhaus a new bill dealing with school inspection. The genesis of the law is to be found in a speech of Bismarck's delivered three years before, in which he stated that if the influence of Clericalism in the schools was turning the

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children of German parents into Poles, it should be abolished ; and Müller, having seized on the suggestion, now proposed that all over Prussia the inspection of schools and the appointment of inspectors should be entirely in the hands of the State. Immediately after the Christmas vacation, however, January 10th, the representatives of the Liberal parties in the House passed a vote of lack of confidence in the Minister,¹ and two days later Müller's resignation was in the hands of the King. He was not a strong enough man for a post of such difficulty ; his conduct had been vacillating, at one moment under the influence of his wife, playing into the hands of the Radziwill element in opposition to the wishes of the entire ministry, at the next, introducing a bill which was bound to arouse the bitterest feelings of Polish Nationalists and of every member of the Roman Church.² A few days later the appointment to the ministry of the famous Dr. Falk was announced.³ Falk

¹ Sten. Ber. Reich. Per. I., Sess. 2, Vol. I, Nov. 23, '71.
" Die Zentrumsfraktion im ersten deutschen Reichstage,"
von Bischof von Ketteler, p. 109.

Sten. Ber. Reich. Per. I., Sess. 2, Vol. I, Nov. 28, '71.

Sten. Ber. Abgeord. Ser. 71-2 Bd. 2, Dec. 14, '71.

Sten. Berichte. Abgeordneten., Jan. 10th, 1872, Ser.
71-72, Bd. 6.

² See article in " Provinzialkorrespondenz." Jan. 22, 1872.

³ " Reichsanzeiger," Jan. 22, 1872.

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was a man of exceptional courage and ability, "of a kind that does not grow wild with us,"¹ Bismarck wrote, a jurist of consummate skill, a scholar with a clearness of judgment in legal matters rarely equalled in Germany, and a man of the highest moral sensitiveness and honour. His enemies, unable to attack him, could only pray him on assuming office, "not to forget that he had hitherto devoted his life to justice and to right."² Yet like so many other jurists of eminence on entering politics he failed to rise to the new opportunity. Falk was always a lawyer, never a statesman; and the legal details of his system, each perfectly sound in itself, when taken in their totality were later to be proved utterly incapable of producing the desired effect.

The new Minister made his bow to the House on January 30th, promising that in all his actions he would act the part of a jurist.³ On the same day Bismarck himself, in a long speech,⁴ discussed the position of the Centrum,

¹ Bismarck, "Reflections and Reminiscences," Vol. II., p. 60.

² Speech of Reichensperger, Jan. 30, 1872, Sten. Berichte, Abgeordneten., Ser. 71-72, Bd. 5.

³ Sten. Berichte, Abgeordneten. Jan. 30, 1872, Ser. 71-72, Bd. 5. "You will see me above all as a jurist."

⁴ Sten. Berichte, Abgeordneten., Jan. 30, 1872, Ser. 71-72. Bd. 5.

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declaring that if the Evangelical Church should follow the example of the Catholic and found a party, then theology and not politics would become "the subject of discussion from the tribune." It had been a great mistake to build up a party on purely religious lines, and he could only regard it "in the light of a mobilisation of party against State." At first he had wondered whether the Clericals would help or oppose the Government, but as soon as he had heard that Windthorst was to become their leader all hopes of working together had vanished. The government would never forget the rights of its Catholic subjects, but on the other hand it could never admit the validity of the Papal claims to an exercise of power in a region which really belonged to the State.

On the 9th of February the first discussion of the school bill took place. Falk defined the aims of the bill as follows: "The law means the acknowledgement of the fact that those who are engaged in school inspection work in the name of the State. It means that the clergyman who is thus engaged will have his mandate from the State, and will acknowledge that he has it from the State and not by virtue of his position in the

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Church. It will mean that the government in the matter of choosing school inspectors, and particularly in choosing inspectors from the ranks of the clergy, will not be under the necessity of appointing in accordance with the choice of the Church authorities."¹ To which Bismarck added, "The complaint which we have to make against clerical school inspection in the provinces where Polish is spoken is that it does not permit the German language to attain its proper importance, but on the other hand works towards the end that the teaching of German be neglected, inasmuch as the teacher whose pupils make progress in the language, receives from his priest a bad report."² The Catholic leaders replied, Windthorst claiming that the government had no right "to kick the Church out from the institutions which the Church herself had founded." "Put the Church out," he cried passionately, "and you will have a State without confession, a State without religion, a State without God."³ Bismarck never had stronger opposition to encounter than in the course of this debate, and he did not hesitate to warn the rebellious Conser-

¹ Sten. Bericht. Abgeordneten., Feb. 9, 1872, Ser. 71-72, Bd. 6.

² Ibid., Feb. 10th, 1872.

³ Ibid., Feb. 9th, 1872.

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vatives that if this bill was defeated through their exertions, the government would continue to use every constitutional means in its power to bring the bill into operation as law. Finally amid scenes of great excitement the third reading of the bill was passed by a majority of more than fifty.¹

But even then the fight for the bill was only half over, for it was in the Herrenhaus that Conservative opposition was strongest. It seemed almost certain that the Upper House would refuse the bill. But once again the wonderful eloquence of the Chancellor as he reviewed the Ultramontane politics of the last ten years won the day. He pointed out how the religious peace of Europe had become less sure "as soon as Prussia with its evangelical dynasty began to undergo a strong political development and the probability of an evangelical empire began to appear more clearly on the horizon."¹ The Catholic suspicions had been further aroused when Austria and France were defeated and Protestant Prussia was left the greatest military power in Europe. "An influential portion of the Catholic clergy, which is under the direction of Rome, is subservient to

¹ Ibid., Feb. 13th, 1872.

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French political ends, because on France depends the hope of restoring the Papal States. . . . At the same time in addition to the *revanche* against Germany a blow at Italy is also being prepared in the hope that Germany may be paralyzed by internal religious disorders, and that the clerical element, while it is slowly effecting the decomposition of Germany and Poland, may plant the French banner in Italy, and under its protection bring that land under Papal, or more likely under French control”.¹ “Spoke, left the Chamber, sprang to horse and made merry with a canter through the Tiergarten, to arrive home to find that the Upper House had been scared by this bugbear into accepting the bill by one hundred and twenty-five² votes against seventy-six.” So Majunka.

The excitement caused by the opposition which was displayed by Catholics and Protestants alike in the carrying out of this law was tremendously increased on the 1st of May, when it became known that the Pope had declined to receive Cardinal Prince Hohenlohe as German Ambassador at the Holy See. The facts of the case were briefly as follows. Since Arnim's removal to Paris

¹ Sten. Bericht. Herrenh, March 6, 1872, Ser. 71-72, Bd. 6.

² Majunka, p. 65.

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there had been no permanent representative of the German States at the Vatican, and to remedy this state of affairs Bismarck in April, 1872, obtained the consent of the Kaiser to bestow the appointment on Cardinal Hohenlohe. "Such an appointment," wrote the Chancellor on April 28th to Arnim in Paris, "would give a fresh proof of our earnest desire to live in peace with the Church, since it must be plain to every unprejudiced mind that a Cardinal would never let himself become an instrument of hostility against the Pope."¹ On the other hand, the loyalty with which the German prelate had hitherto stood aloof from the Ultramontane party in the Church and the "warm heart which he was known to have for Germany,"² were guarantees that he would not compromise the interests of the State. In some respects he was undoubtedly a most suitable man for the position. But as soon as von Derenthal, the Prussian representative at Rome announced the appointment to Antonelli and asked for the Pope's acceptance of it,³ usually a mere diplomatic formality, the Papal Secre-

¹ Bismarck to von Arnim, April 28, 1872, Hahn 71.

² Blum, "Das deutsche Reich," p. 72.

³ Letter from the German *chargé d'affaires* at the Curia to Cardinal Secretary of State Antonelli, April 25, 1872, Hahn 71.

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tary privately informed Hohenlohe that¹ his coming to Rome would not be pleasing to the Holy Father. Von Derenthal, however, was left without an answer until May 1st, when, acting under instructions from Bismarck, he again put the question to the Papal Secretary² and received an official reply to the effect that the Pope regretted "that considering the present conditions he could not permit a cardinal of the Holy Roman Church to accept a post at once so delicate and important."³

The motives which lay behind the chief actors in this little act of the great drama are indeed difficult to fathom, and no one can be quite sure whether Bismarck in championing Hohenlohe's candidature was really sincere or not. On the whole the evidence seems to point in the other direction, and it is by no means unlikely that the whole incident was merely an exceedingly clever scheme on Bismarck's part to discredit Rome. Had he really desired peace, why did he not choose a layman for the position? There were thousands of such men in the Empire to

¹ Cited from Blum p. 72.

² German *chargé d'affaires* to Antonelli, May 1st, 1872, Hahn 72.

³ Antonelli to the German *chargé d'affaires*, May 2nd, Hahn 72.

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whom Pius could not have had the least objection. But with Hohenlohe it was different ; he was known as the enemy of Ultramontanism;¹ his best friend and chief adviser was Friedrich, a leader of the Old Catholic movement in Munich ;² and above all he was a priest, and no German priest had represented a German state at the Vatican since the days of Frederick the Great.³ As Windthorst said,⁴ " What should you say if the Pope were to make the Adjutant-General of the Emperor his Nuncius ? " If Bismarck really wished to give a proof of his desire for peace he went about it in a very clumsy and uncharacteristic way. On the other hand, it is not unlikely that in Hohenlohe the far-seeing Chancellor saw a man whose appointment would at once embarrass the Curia. If he were accepted, Germany would then have a Roman priest at the Holy See, entirely out of sympathy with the policy of the Centrum and ready to attack them in the presence of the Pope ; and if on the other hand the Pope refused him, then it would seem to all the world that Rome had adopted

¹ Majunka, p. 74.

² Ibid. p. 74.

³ Blum, p. 72.

⁴ Sten. Bericht. Reichstag, May 14th, 1872, Per. 1, Sess. 3, Bd. 2.

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an irreconcilable policy towards the Protestant Empire which had been willing to go so far as to appoint a Roman Cardinal its representative. Had the politicians of the Vatican been wise they would have accepted Hohenlohe ; and indeed the fact that the Cardinal was privately informed before hand that he would not be *persona grata* at the Vatican may have meant an effort on their part to escape from refusing point-blank the Kaiser's nominee.

In any case, pre-arranged plan or not, nothing could have turned German Protestants against the Vatican more completely than this "insult to the Emperor." Bismarck was, moreover, quite ready to fan the rising flames of anger ; his opportunity came on May 14th, when the matter was brought up in the Reichstag.

" I can well say that such an incident as this does not often happen. The Kaiser had already made the appointment when he asked whether the appointed person would be *persona grata* to the other sovereign. It is extraordinarily seldom that this question is answered in the negative. For a negative answer is a challenge, a declaration, ' You have chosen unwisely.' I have been Minister of Foreign Affairs for about ten years, and

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in the diplomatic service for twenty-one years, and I believe that I do not exaggerate when I say, that this is the first and only time that I can remember that such a question has been answered in the negative. . . . I consider it impossible, since the newly pronounced and publicly proclaimed Dogma of the Catholic Church, for a secular power to come to any agreement with Rome, unless that secular power effaces itself to a degree and in a manner which the German Empire, at least, cannot do. But have no fear ; in body or spirit, we shall never go to Canossa."¹

After the Hohenlohe affair Bismarck, whose health had for some time been unsatisfactory, retired to Varzin, and the Reichstag was thus left alone to consider what was in some respects the most important law of the whole Kulturkampf.² The cry which had been raised by the Old Catholics in Bavaria of "Fort mit den Jesuiten" had been taken up all over Germany and in reply to hundreds of petitions praying for the expulsion of the Order of Jesuits, a commission of the Reichstag

¹ Sten. Bericht. Reichstag, May 14, '72, Per. I, Sess. 3, Bd. 2.

A monument bearing these words, "Nach Canossa gehen wir nicht," has been erected in the Harz, concerning which Majunka naively remarks, p. 77, "a crack has come in the stone as well as in the history.

² Blum, p. 74.

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had been appointed to enquire into the matter. The report¹ which was issued advised the Bundesrat to introduce a bill in the present session if possible, which would make the further establishment of Jesuit congregations without the express permission of the State a punishable offense. The Bundesrat considered that the session was already too far gone to bring in any sweeping measure, but proposed that for the present the power should be given to the police department of forbidding the establishment of a Jesuit house in any part of the Empire.² The Reichstag, however, showed itself little pleased with the mildness and indefiniteness of the recommendation. "For my part, I would gladly go further," said Wagener, the editor of the "*Kreuzzeitung*." "The Empire is at war with Rome; let us not make the mistake of only playing at war. At present the necessity is to avert this burning danger from the Empire."³ On the evening of June 14th, a "Free Commission" composed of members of all parties except the Centrum, met and framed a law, which on the following

¹ Hahn p. 76. For the discussion see Sten. Bericht. Reich., May 14, 15, 16, 1872.

² Bundesrat, June 11, '72.

³ Sten. Bericht. Reich., June 14, '72, Per. 1, Sess. 3, Bd. 3.

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day was accepted by the Reichstag¹ and in due course became the law of the land. By it² the Society of Jesus by name and all related congregations were shut out from the borders of the Empire ; all foreign Jesuits in Germany were to leave the country, while the brothers of purely German origin were to be confined to a residence in such places as the government might see fit. In all about 800 Jesuits left Germany. In July the establishments at Issenheim and Strassburg were closed and the Jesuit college at Metz was transferred to Nancy.³ In August there was a general closing of the houses, accompanied in some places, such as Essen and Düsseldorf, by conflicts with the police and military.⁴ To quote the Berlin correspondent of "The Times," "within six months these proscribed servants of the Church were as scarce as wolves or wild boars in Great Britain ; though it was said the Jesuits had left the Empire like foxes, and would return like eagles."

A few days after the passing of this Act, the Pope in replying to an address from the

¹ Ibid, June 15, '72.

² Second reading June 17; third, June 19. See Appendix D, p. 135.

³ Blum, 77.

⁴ Charles Lowe, "Prince Bismarck," Leipzig, 1892.

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“Katholischer Deutscher Leseverein,” poured out all the vials of his pent-up wrath on the head of the sinful Chancellor.¹ In referring to “the German persecutions which have already spread so wide,” the Holy Father said, “It is the Prime Minister of a mighty power, who after a signal victory in war, has now placed himself at the head of this persecution. I have let him know—it is no secret, all the world may know it—that a triumph untempered by moderation does not last ; that a triumph, which takes upon itself to wage war against the Truth and the Church, is the greatest madness. . . . How comes it that Catholics at this time in particular are considered to have converted themselves into people who refuse obedience, concoct dangerous iniquities, and meditate on the subversion of the State ? I have put this question to the Minister-President, I am still waiting for an answer—perhaps because there is no answer to the Truth. . . . Who knows whether a stone may not yet come rolling down the hill of Zion, and bruise the foot of the Colossus ” !

The Infallible One had erred ! A most terrific wave of indignation swept over the

¹ “Ansprache des Papstes Pius IX. an den deutschen Leseverein in Rom auf eine Adresse desselben, d. 24 Juni, 1872” Hahn 102.

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whole country, and all remaining sympathy for Rome vanished from every Protestant breast. Catholic editors of the time and Catholic historians ever since have tried to twist the Pope's statement into something less insulting,¹ but no amount of words could convince the German people that by Colossus the Pope had meant anyone or anything else than Bismarck. The attempt to make the objectionable epithet refer to "the liberal movement"² or to "the world-powers hostile to the Kingdom of God"² failed to carry conviction even among Catholics themselves. The "*Schlesische Volkszeitung*," a Catholic organ, admitted that "by Colossus only the German Empire, and in particular its Chancellor could have been meant,"³ and when such a paper expressed itself thus openly "it may easily be judged how deeply it felt itself as German to have been wounded."⁴

Meanwhile the soldiers of the Pope in Germany were growing more and more aggressive. They had, however, met an opponent worthy of their steel in Falk. The Catholic Chaplain-General of the Forces,

¹ For example, see Majunka, p. 85.

² Majunka in his history, p. 85, Majunka in "*Germania*," cited p. 85.

Quoted in "*Provinzialkorrespondenz*," July 10th, 1872.

⁴ "*Provinzialkorrespondenz*," July 10th, 1872.

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Namszanowski, Bishop *in partibus* of Agathopolis, who forbade the garrison preacher at Cologne to continue his duties because of Old Catholic practices, was punished not only by dismissal,¹ but by the total abolition of his office.² About the same time the Archbishop of Cologne, in absolute disregard of the Prussian law and warnings of the Kultus-Minister, excommunicated four professors at Bonn, who refused to subscribe to the Vatican decrees. Falk refused absolutely to dismiss the obnoxious professors and all that the prelate could do was to place an interdict on their lectures.³ The Bishop of Ermeland was, however, more difficult to manage. After excommunicating the two teachers in the Braunsberg Gymnasium, he forbade the faithful to have any intercourse with them whatever. Falk informed him that this was an infringement of the Prussian Civil Code,⁴ and interviewed the King in Homburg, where he was taking the cure, to request him to discontinue the stipend which

¹ See "Erllass des Kriegsministers von Roon," May 29, 1872, Hahn, p. 82.

² Aufhebung der Katholischen Feldprobstei durch Allerhöchste Ordre, March 15th, 1873. Hahn, 84.

³ Described fully by Wiermann, p. 53 et seq.

⁴ Letter from Falk to the Bishop von Ermeland, May 21st, '72, Hahn, 85.

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the Bishop received from the State. William at first refused to adopt so drastic a measure, but in September, when the Bishop, who had himself invited ¹ the Emperor to attend a patriotic festival in Marienbad, refused to appear before his guest throughout the entire celebration, William finally consented that the State emolument of 9000 thalers yearly should cease.²

This latter measure, which opened up a completely new line of attack, acted like "a hundred bombs" ³ in the Clerical camp. The Bishops assembled again at Fulda on the 18th of September and issued a memorial ⁴ from the grave of St. Boniface—English Winfried, converter of heathen Teutons—on the condition of the Catholic Church in Germany. It was a calm and dignified defence of their Church on the bishops' part, an apology for the history of the last ten years. It dealt first with the constitutional right of the Church, outlined the origin of the cry against

¹ Letter from Bishop of Ermeland to the Kaiser, Aug. 22nd, '72, Hahn 87.

² Falk to Bishop von Ermeland, Sept. 25th, '72, Hahn 91. The full correspondence is given by Hahn, pp. 85-91.

³ Lowe, "Prince Bismarck," p. 279.

⁴ "Denkschrift der am Grabe des heiligen Bonifazius versammelten Erzbischöfe und Bischöfe über die gegenwärtige Lage der katholischen Kirche im deutschen Reich." Hahn, pp. 92-99.

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“ Jesuitism, Ultramontanism, and Catholicism,” and claimed for the Church the right to the free exercise of its punitive powers. The Bishops did not forget to defend the Order of Jesus. “ The Jesuit is a Catholic priest,” they declared, “ and no one has the right to attack him as immoral or as dangerous to the State.” Nor did they pass in silence over the schools, which were termed “ a mere annex to the Church.” “ Without Christian schools, in which the Church exercises its due share of influence, there can be no Christian education.” Finally they made an effort to give the lie to the theory of which Bismarck was so fond, that the war of 1870 was an attempt on the part of the Vatican to crush Evangelical Prussia. On the whole, the Bishops, although speaking of course with Catholic prejudice, said much that was true and needed saying.

But the year 1872 was to see yet another official pronouncement from the side of Rome which was to be very different in tone from this episcopal letter. The Pope had apparently in no way regretted his remarks on the German “ Colossus,” for during the autumn, in referring to the meeting of three sovereigns in Berlin, he spoke of the Emperor of Russia, the Emperor of Austria, and “ the

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new one called of Germany,"¹ as constituting a "merely human Areopagus,"¹ "whereof one member is the declared enemy of the Church,"² The final outburst of the year, however, was reserved for December 22nd, when the Pope in addressing a consistory of twenty-two cardinals, declared³ that Germany "was working not only with secret machinations but also with open violence to annihilate the Church." "Men who have never known our most holy religion are usurping the privilege of interpreting the dogmas and rights of the Catholic Church. And while they press their interpretations stubbornly forward, they do not hesitate with unabashed impudence to state that on their part no damage has been done ; yes, they are not ashamed to lay the blame of the present growing persecution to the Catholics, because their bishops and their priests together with the whole body of the faithful refuse to place the laws and ordinances of a secular empire, before those holy laws of God and the Church, and in this way remain true to their religious convictions."

¹ Gladstone, "Speeches of Pope Pius," p. 179.

² Cited by Lowe, "Prince Bismarck," p. 250.

³ See Blum, p. 79.

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In the Abgeordnetenhaus Reichensperger attempted to excuse this tirade by claiming that the Latin style of the Curia must not be translated word for word into German. But his words made no impression and the Empire lost no time in acting. Reproduction of the allocution was prohibited in every newspaper of the Empire, and six days later Bismarck recalled the German *chargé d'affaires* from Rome.

The whole of Germany waited expectantly for what the new year would bring forth ; and lovers of sensation were not destined to be disappointed.

III

THE MAY LAWS

“The threads of our domestic policy were never so tangled as at present,” said Bismarck,¹ to von Poschinger early in 1873. “Sometimes things really seem to turn round in one’s head like a windmill. Clouds everywhere, not a speck of blue sky to be seen at all.”

There was one member of the government, however, Minister Falk, who was not discouraged, and now after a whole year of preparation he was at last ready to enter with vigour upon the field of action.

Already in November, 1872, he had introduced into the Abgeordnetenhaus a bill² dealing with “the limits to the rights of the Church in imposing means of punishment and correction.” According to this measure every person in the employ of the Church was forbidden to threaten or proclaim any form of punishment unless it belonged strictly to the realm of religious things, or concerned

¹ Conversation with Heinrich von Poschinger, “two years after the commencement of the Kulturkampf,” “Conversations with Prince Bismarck,” pp. 223-224.

² “Ueber die Grenzen des Rechts zum Gebrauche kirchlicher Straf- und Zuchtmittel.”

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the withdrawal of church rights or privileges; and such punishments were not to be directed against persons "because of the performance of any act made necessary by the laws of the land or in connection with the carrying out of the rights of the franchise."

On the 9th of January he introduced the three following acts in addition :

"An Act concerning the preparatory education and the appointment of the clergy." According to this bill, "An ecclesiastical office in a Christian Church, of whatever grade, may be presented only to a German, who in his general education has complied with the regulations of the law, and against whose appointment no objection is raised by the government." According to the regulations all clergymen must be graduates of a German gymnasium, must have studied theology for three years in a German university (or, where there were no universities, in a seminary of acknowledged standing), and must also possess a university training in philosophy, history, German literature, and the classics. "All ecclesiastical institutions which serve for the preparatory education of the clergy come under the inspection of the State in regard to their house regulations and curriculum, and only a German may be

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appointed as teacher in such an institution. If these regulations are not complied with, the Minister of Public Instruction has the right to close the same." The State was also given the right to object to any appointment, and every ecclesiastical office remaining empty for more than one year was made subject to a fine of 1,000 thalers.¹

"An Act concerning ecclesiastical disciplinary powers, and the establishment of a royal tribunal for ecclesiastical causes,"² provided that the ecclesiastical disciplinary powers should be exercised by German officials. Punishments which deprived any one of liberty or property might be inflicted only on the testimony of the accused himself. All dismissals from office must be preceded by the proper enquiry. Corporal punishment was forbidden, and the amount of fines limited to thirty thalers. Imprisonment, which could only be inflicted with the consent of the imprisoned, could not exceed three months. Appeal from the judgment of the Church could be made to a royal tribunal for ecclesiastical matters, which was at once to be established and to consist of eleven members who should sit in Berlin.

¹ Ueber die Vorbildung und Anstellung der Geistlichen.

² Ueber die kirchliche Disciplinargewalt und die Errichtung des Königlichen Gerichtshofes für kirchliche Angelegenheiten.

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The final¹ law stipulated that any man who wished to leave the Church to which he belonged need only declare his intention to a judge of the district in which he lived and obtain the necessary papers of discharge.

The exact nature of these laws can only be realized when we consider the relations which existed between State and Church at the time they were introduced into the Prussian House. For many years these relations had been extremely satisfactory to the Holy See itself, and indeed there were few countries in Europe where the Church had more freedom than in Protestant Prussia.² The framers of the Constitution of 1851 had in Articles 15 and 18 guaranteed to every religious society "independent ordering and administration of its own affairs," and resigned on behalf of the State the right of appointment to ecclesiastical posts which had previously belonged to it. There can be no doubt as to the meaning of the constitution, but if there were any we have the explanation of the government at the time it was framed, and it is particularly

¹ "Austritt aus der Kirche."

² "Before 1870 the condition of things caused the position of the Catholic Church in Prussia itself to be recognized by the Curia as a pattern more favorable than in most of the purely Catholic countries." "Reflections and Reminiscences," p. 67, Vol. II.

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lucid. "The boundaries between spiritual and temporal things can never be strictly defined and therefore the articles of the constitution have been made to take a common-sense point of view and promise to religious societies the right to manage their own affairs independently, so that never again in the future will a positive interference on the part of the civil power be possible."¹ This had been the constitution of the Church, the guarantee of its liberties in Prussia for more than twenty years. The articles had not, however, made any great difference in the *status* of the Evangelical Church. It had grown up under the protection of secular rulers since the days of Luther—it was, in short, a State Church, and until disestablishment its historically developed constitution must remain valid. Thus those old regulations of the State in regard to the education and appointment of the clergy, which antedated 1848, continued even after the new constitution had been promulgated, to be honoured and conformed to in the State Evangelical Church. In other words so long as the Lutheran Church remained a part of the

¹ Speech of Minister von Ladenburg, in explanation of article 12, later, 15, of the Prussian Constitution, December 5, 1848. Cited by Wiermann, p. 84.

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establishment, so long as its clergy were civil servants and its head the King of Prussia, constitutions might come and go, but the civil authority could not be abolished from what was virtually a department of governmental activity. In the Roman communion, however, conditions were quite different, and this explains to some degree why the opposition to the Falk legislation was far stronger in the Catholic camp than in the Evangelical. The Catholic Church of 1872 was able by virtue of the constitution of 1851 to vindicate a legal claim to absolute freedom from interference on the part of the State. The State had no control over the education of the Roman clergy. The bishops controlled absolutely the preparation of Catholic priests ; they set the examinations, founded the seminaries for boys and men, and appointed the governors and teachers in these institutions without any interference on the part of the State. The bishops had, moreover, the appointment to all benefices in their hands, and as appointments were usually made for an unstated period, the greater part of the clergy were removable at will and thus dependent for their existence on the grace of their irresponsible over-lords.

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At the time of the Vatican decrees the power of the bishops was thus absolute and complete. That the episcopate had not always used this power for the encouragement of Germanic national ideals has already been shown in considering the work of the Church in Poland. This condition of affairs was in itself dangerous to the State, but it was made much more so by the dogma of 1870. The Vatican decrees had, in the first place, transferred in its entirety the authority of the German bishops to an Italian Pope. In the second place, they had extended the ecclesiastical claim to authority beyond the bounds of the spiritual domain. "The Pope has power to apply external coercion ; he has also a temporal authority, direct and indirect ; not souls alone are subject to his authority."¹ The Church is a society amply sufficing not only to bring men to salvation and everlasting bliss, but also to establish and perfectly regulate social life among them."² The Pope had in short laid claim to privileges given by the Lord to the prophet who was one of the priests of Anathoth : "Behold I have ap-

¹ Quoted from the writings of a Jesuit, Schrader, by Gladstone, "Vaticanism," p. 77. Schrader wrote, we are told "with Papal approbation attached."

² "De Matrimonio, Notiones Praeviae," by S. J. Martin, as cited by Gladstone, "Vaticanism," p. 76.

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pointed thee over the nations and the kings, that thou mayest tear up, and pull down, and scatter, and build, and plant." The Catholic Church had repudiated her proud boast of *semper eadem* ; she had altered her constitution and revised her claims. Might not the State of Prussia do the same ?

It was in this spirit that these so-called " May Laws " were brought forward, not as an unprovoked attack on rights constitutionally guaranteed, but rather as the means of defence against a foreign power. The wish of the government was in no sense to swamp the Church in a sea of legislation. The promised activity of the Church was left to her intact, but the bishops had as it were abdicated in favor of an Italian, and the German government, not approving of the successor or his exaggerated claims, resolved to usurp the throne for itself. The Church was to be made frankly subservient to the State. The days of complete resignation " zu einem Römling " were to be brought to an end. Henceforth only a German should have power in Germany, and the disciplinary power of the Holy See should be excluded from operation between the Rhine and the Vistula. Further, the bills meant the out-and-out reduction of the clergy to a civil

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status,¹ and the reform of education on German lines.

It is impossible to describe here the long legislative struggle lasting from the beginning of January, until well on into May,² which attended the passing of these laws. The Commission of the Abgeordnetenhaus to which they were at first entrusted, found them irreconcilably opposed to articles 15 and 18 of the constitution, and advocated the alteration of these articles. The amendments suggested amounted to a practical nullification of the original provisions. Into that one which had guaranteed the liberty of the churches in regulating their own affairs, was slipped the sentence, "but they shall remain subordinated (*unterworfen*) to the laws and

¹ Majunka, p. 87.

² The following is a short chronology of the Parliamentary career of the May Laws: A.—Abgeordnetenhaus, Ser. 72-73, Bd. 2.

Jan. 16, 17—First reading of bill for Educat. & Appoint.

Jan. 20, 21—First reading of two remaining bills.

Jan. 21—Bills handed to a commission of 21 members.

Jan. 30, 31 and Feb. 4—Three readings of the commission's proposals.

Feb. 4—Alteration of the Constitution, 245 to 110 votes.

Feb. 27—March 1st, after 21 days, second and third readings.

March 7th to 21st, three readings of the four laws.

B.—In Herrenhaus. Ser. 72-73, Bd. 2-3.

Feb. 19, decision to pass laws on to a commission and to discuss alterations to constitution in the House.

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inspection of the State." In regard to the right of the Church to make appointments the limitation was supplemented that this right should not apply in the case of appointments in public or military institutions, while it was further added in regard to education and other appointments that these should be regulated by the authority of the State. In the debate on these alterations, cries of a new Inquisition and "crushing the verities of the Christian religion" were raised by Windthorst and his followers, but in vain, and by the 21st of March the Lower House had not only consented to the alteration of the constitution but had also passed the four obnoxious bills themselves. On March 10th the amendments came up in the Herrenhaus, where they met with the most stubborn opposition on the part of the Evangelical Conservatives who saw in the proposals "a most grievous attack on the inmost life of the Church." Bismarck was called in haste from Varzin, and entering the House, made the

March 10, discussion of the alterations to the Constitution. Bismarck's speech.

March 13—Alterations accepted by 93 to 63, for the first time.

April 4—Final reading of the alterations, 87 to 53.

April 5—King signs the altered articles.

April 24—May 1st, laws in the Herrenhaus.

May 1st—Acceptance by Herrenhaus.

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famous speech from which a short quotation has been already made, in which he established the connection between this strife and that of the Middle Ages. "We are not engaged in a war of an evangelical dynasty against the Catholic Church, we are not engaged in a war of belief and unbelief, but we are engaged in that ancient struggle which is as old as man himself, in the struggle between priest and king, a struggle much older than the appearance of our Saviour in this world. . . . We are concerned with the defense of the State, we are concerned with the limitations to the power of the priest and also to the power of the king, and these limitations must be so determined that the State can continue to exist. For in the Empire of this world it has the power and the precedence." On April 4th the Herrenhaus finally passed the constitutional amendments, and on the 14th of May the last of the Falk laws, which on the 15th received the signature of the King.

Ever since the beginning of the year the bishops had raised their voices in violent protests against the proposed legislation. There had been formal petitions to the Ministry, to the Landtag, and to the King. The persecutions of the Church had been

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compared to the "sorrows of Christ"¹ and the "captivity in Babylon".² The Bishops, meeting again at Fulda, announced to the ministry on May 26th, that they were firmly determined to resort to passive resistance and adopt a position of "*non possumus*," but the government did not deign to reply. Then on August 7th, the Pope himself re-entered the field by sending a personal letter to the Kaiser. The Holy Father declared that the present harsh enactments were only calculated to "undermine his Majesty's throne," and excused himself for speaking thus frankly by saying that it was his duty to speak out the truth to everyone, Catholic or not; "since every man who has received baptism belongs to the Pope." To which the Emperor, "with Bismarck at his elbow," bluntly replied³ that he had no intention of losing any opportunity of defending himself against "clerical agitations, with which the religion of Jesus Christ had nothing whatever to do," and which he hoped the Pope would use his influence to bring to an im-

¹ Bishop Martin of Paderborn, Lenten Letter, 1873, cited by Blum, p. 85.

² Bishop Krentz of Ermeland, cited by Blum, p. 85.

³ Schreiben des Papstes, Hahn, p. 130. Schreiben des Kaisers, Sept. 3rd, Hahn, 131. The correspondence was first published in the Reichsanzeiger of Oct. 14th, 1873.

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mediate end. As to "belonging to the Pope" because he had been baptized, the Kaiser dismissed the idea by declaring that "the evangelical faith, which as your Highness must surely know, I acknowledge, teaches me to accept no other mediator in my relations with God, than our Lord Jesus Christ."

The letters between Pope and Kaiser were made public on October 14th,¹ on the eve of the elections to the Landtag,² and one hundred thousand copies of the correspondence,³ many of which still adorn the peasant homes of Prussia and Saxony, were distributed among the electorate. The Ultramontanes were at first disposed to deny the veracity of the documents. In England, Archbishop Manning is said to have characterized the Pope's letter "as a forgery,"⁴ but when Bismarck produced the originals, all doubts were silenced. The publication of the letters had little effect, however, on the result of the elections. In Prussia the Centrum gained no fewer than twenty new seats in the Ab-

¹ Schreiben des Papstes, Hahn, p. 130. Schreiben des Kaisers, Sept. 3rd, Hahn, 131. The correspondence was first published in the Reichsanzeiger of Oct. 14th, 1873.

² Lowe, "Prince Bismarck," p. 281.

³ Blum, p. 90.

⁴ See Blum, p. 90. 2 "Manning redete voreilig sogar von einer Fälschung."

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geordnetenhause, and in the elections to the Reichstag which followed in January, 1874, the Clerical party emerged with ninety-two instead of its previous sixty-seven seats, Bavaria alone sending 32 members.¹

Yet Falk was not discouraged, and insisted on a most rigorous execution of the laws. The strictest policy in regard to Catholic political meetings was adopted and anything savouring in the least of "Majestäts-" or "Bismarcksbeleidigung" was severely punished.² Many seminaries for the education of priests and boys were closed, because the bishops refused to permit civil inspection. All official acts, such as christenings, marriages and burials, performed by priests installed without government permission were declared invalid before the law.³

As a result many Catholics were beginning to pass for married in the eyes of the Church, but not in the eyes of the State. The most dreadful social confusion was bound to arise,

¹ Blum, p. 91.

² According to figures quoted by Majunka, 17 meetings of the "Verein deutscher Katholiken" were broken up by the police in the two ridings of Koblenz and Trier from May 18 to Oct. 22, 1873. At Trier, in referring to the Chancellor, a speaker said, "He is only mortal, at present on a bed of pain, helpless as a miserable beggar," and was arrested for "Bismarcksbeleidigung." The meeting was dismissed. The "Germania" employed four editors in 1873, pp. 98, 99.

³ Majunka, p. 101.

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and Falk knew that it could only be averted by the government stepping in and basing the validity of marriage on a civil contract instead of on an ecclesiastical ceremony. The law which he accordingly introduced into the Landtag in November making civil marriage necessary, was forced upon him by the social conditions created by the May Laws. Early in the new year a similar bill, although somewhat more comprehensive, was introduced by Bavarian members into the Reichstag. In the southern kingdom the need for a change in the marriage law was pressing, but inasmuch as the Ultramontanes were in the majority in the Bavarian Landtag, it was impossible to follow the Prussian example, and therefore the matter was brought to Berlin. Both the Prussian and German bills were thus forced on Bismarck, and no doubt against his will. A quarter of a century before, he had pleaded as an orthodox Junker against civil marriage, and even yet he still viewed the question in much the same light as formerly. Yet his opposition had never been based, as was the Emperor's, upon religious scruples, but "rather upon existing customs and the convictions of the masses." Moreover, circumstances had altered, as he explained to the House ; "looking on the

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matter entirely from a political point of view he had become convinced that the State was in a position which made the law necessary in accordance with the duty of self-preservation."¹ The Roman Church was indeed at this time, to quote the words of Mr. Gladstone, "commending the most shameful outrages on morality and decency"² in regard to marriage in every country in Europe, and Bismarck was quite ready, though reluctantly so, to trim his sail according to the veering of the winds of public necessity.

It would indeed have been impossible at this juncture for the government to turn back, or even to call a halt in the march against the powers of Rome, for so far the May Laws had done little but arouse further disturbance in every diocese in Prussia.³ The condition of affairs was most unsatisfactory. The bishopric of Fulda was vacant, and the chapter would not consent to a fresh appointment being made in accordance with the new laws.

¹ Blum, p. 94. *Das Zivilehegesetz*: Sten. Ber. Abgeordneten., Dec. 10, Ser. 73-74, Bd. 1. Accepted Jan. 16, '74, Ibid. In Reichstag,—Sten. Bericht., Mar. 28, '74, Per. 11., Sess. 1, Bd. 1, Jan. 12-25, '75, Per. 11, Sess. 2. Bismarck, "Reflections and Reminiscences," vol. II., p. 73, Bd. 3. Sten. Bericht. Abgeordneten., Dec. 17, 1873, Ser. '73-'74, Bd. 1.

² "Rome, Newest Fashions in Religion," p. ix.

³ For an account of these disturbances see Blum, p. 92.

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The stipend of Count Ledochowski, Archbishop of Posen, had been discontinued, because he persisted in making appointments without apprising the State of them. He was well supported by the Poles, however, and remained in office, defying the State and the demand of the Royal Ecclesiastical Court that he lay down his office. Finally in February he was arrested and imprisoned, and the Court declared him dismissed from office. By the middle of March the Archbishop of Cologne and the Bishop of Trier, who had incurred fines to the extent of 30,000 thalers, also found themselves incarcerated. The object of the May Laws had in no sense been the confinement of ecclesiastical dignitaries in the common jails, and to any thinking observer it was clear that the government, having gone so far, must go farther still.

Accordingly two new laws¹ were introduced in January, one giving the Ecclesiastical Court the right to abolish the revenue of any post under certain defined conditions, the second dealing with the administration of

¹ "Deklaration und Ergänzung des Gesetzes vom 11. Mai, 1873, über die Vorbildung und Anstellung von Geistlichen" See Sten. Bericht. Abgeordneten. May 9th, Ser. 73-74, Bd. 4. "Gesetz über die Verwaltung erledigter Bistümer." Sten. Bericht. Abgeordneten., Jan. 20 and May 9. For both the above see Sten. Bericht. Herrenhaus May 13-16. Ser' 73-74, Bd. 2.

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vacant dioceses. The latter made it possible for the Minister to appoint a commission to administer the funds and affairs of any diocese, which should remain vacant longer than was necessary for the appointment of a new bishop or administrator. Every administrator, before beginning his new duties, must swear obedience to the King or become liable to two years' imprisonment, and every servant of the Church, executing the orders of a bishop or administrator not approved of by the State, or of a bishop already deposed from office, became liable to a like term of confinement.¹ When the bill came up Mallinckrodt was especially furious. "Because the Ecclesiastical Court dismisses a bishop, he does not cease to be a bishop," he cried, with a good deal of truth. "The only way to bring that about is to behead the bishops, as the Apostle Paul was beheaded." Nevertheless the new laws were passed and went into force in May, 1874.

Almost at the same time a third, and much more repressive measure,² was added by the Imperial parliament to this new series of

¹ The terms are given in full by Wiermann, pp. 120, 121.

² "Gesetz betreffend die Verhinderung unbefugter Ausübung von Kirchenämtern." Sten. Bericht. Reichs., April 21-25, 1874.

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May laws, and indeed Windthorst hardly overstated the case when he said that they were now "not far from the guillotine itself." The new measure declared in substance that any clergyman who ignored the sentence of a court deposing him, or who meddled with the affairs of a parish from which he had already been deposed, might, according to the gravity of his offence, either be deported from any particular district, or be deprived of his nationality and denied the right of abode within the borders of the Empire. Of the ultimate right of the State to pass such a measure there can be no doubt. As a member of the Reichstag said,¹ Emperors "whom the Catholics called saints" had appointed and banished bishops and Popes. On the other hand it is equally certain that the measure was one which only the most extreme conditions could have justified. Whether these had already arisen is an open question. At any rate the new laws were applied with rigour, and the severity of the one side was only equalled, if not surpassed, by the obstinacy of the other.

In July, Bismarck, who, as already has been stated, was ill during the spring, left Varzin for

¹ Deputy Schulte, Blum, p. 96.

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Kissingen, where he intended to take the cure. On July 13th, as he was driving through one of the inevitable " garden restaurants " which abound in such profusion in Germany, he was shot at and slightly wounded by a mere boy, named Kullmann,¹ a cooper from Magdeburg,—and a Catholic. He told Bismarck, when the Prince visited him in prison the same afternoon, that he had wished to murder him " because of the church laws," because he had thrown bishops into prison, and because the Chancellor had insulted " his (Kullmann's) fraction " in the Reichstag.² It transpired that the boy was a member of a Catholic Society in Salzwedel, and had been educated, so far as he had been educated at all, by a Jesuit priest named Störmann, who had told him that " religion was in danger and Bismarck above all others to blame."³ Such are the facts of the case ;⁴ there was absolutely no evidence to the effect that

¹ Kullmann was only 21 years old according to the *Anklageschrift des Schwurgerichts zu Würzburg*, Oct 29, 1874. Hahn, p. 153.

² Bismarck related this in his speech in the Reichstag concerning the affair on Dec. 4, 1874. See *Sten. Berichte. Reichs.* Period 11, Sess. 2, Bd. 2

³ *Anklageschrift des Schwurgerichts.* Rede des Vertheidigers des Kullmann, Hahn, pp. 153-158.

⁴ Kullman's attempt is described by Blum, p. 97, Wiermann, p. 128, Lowe, 284 ; the official despatches of July 13 and 14 from Kissingen are given by Hahn, p. 151.

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Kullmann had been in league with the Ultramontane party. The boy had, it is true, become a Catholic fanatic through the influence of a Catholic priest, but from nothing that Kullmann said can we legitimately suppose that his instructor had in any way suggested that he should ever resort to violence of any kind or description. And yet this outrageous attack of an ignorant boy was used to stir up all the bitterest religious feelings of the two great religious parties in Germany. There seems to be lacking in all continental politics that genial something which in England, in the face of threatened disaster, makes all parties akin, and if to-day we read of German parliaments which by the acrimonies of debate and party feeling are prevented from sending a word of sympathy to a foreign queen robbed at one blow of husband and son, can we be surprised that twenty-five years ago the greatest statesman that Germany ever produced was not ashamed to make party capital and add to his own glory by placing on his political opponents the blame for an attack on his life with which they had absolutely nothing to do. Indeed Bismarck's conduct in this connection seems to English eyes to have been almost disreputable, and were it not that the Catholic

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members in trying to minimize the enormity of the crime, committed an equal breach of good taste,¹ it would be quite unpardonable. Not until December was the matter brought up in the Reichstag, when Dr. Jörg, a Clerical member, rose to deprecate "the delirium into which a good part of Germany had been thrown by the audacious attempt of a half-crazy man." The Chancellor replied, assuring the House that the man had been in the full possession of his faculties, and the self-avowed champion of the clerical cause. "You may push the man away from you as much as you like," the Chancellor cried² to the Centrum members, "but he himself clings closely to your coat-tails. He called you *his* party." And the Prince closed by warning his hearers not to think that his own feelings for the Centrum "lay far from hatred and contempt." "I am only too polite to express them," he cried, as he sat down. Nothing more needs to be said to show that the strife, bitter before the "attentat," had now become ten times as malicious.

Bismarck lost no time ; the following day in reply to a question from Windthorst as to

¹ For selections from the press see Hahn, pp. 152-153.

² Sten. Berichte. Reichs., Dec. 4, 1874, Per. II, Sess. 2, Bd. 2.

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why the appropriation of 53,000 marks for a German ambassador at the Holy See had overnight disappeared from the revised estimates, the Chancellor replied,¹ that he had given up the project of sending an ambassador to the Vatican, the claims of the Pope "making it simply impossible to carry on State business." The Catholic Church had for years, been attempting by hook or crook to increase its influence in Germany; it had hoped for a revolution, but instead had come the war with France. "That war was undertaken against us on an understanding with Roman politicians," he continued, "that at that time in Rome as elsewhere the victory of France was confidently expected, that the Catholic influence at the French court gave the deciding voice for the declaration of war, that the firm intention to maintain peace was overthrown by the influence of the Jesuit politics,—all this I am in a position to prove with absolute certainty." When the attempt was made to defend France, Bismarck was immediately on his feet again, and in a loud voice of anger cried, "That manœuvre I will brand throughout the whole of Germany as an outrage against the Fatherland."

¹ Sten. Berichte. Reichs., Dec. 5, 1874, *ibid.*

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The policy of vigilance and repression was continued with increased severity, and a determined effort made on the part of the government to crush every newspaper that showed any trace of being under Jesuit influence. Chief among those who fell was the Catholic priest Majunka,¹ the editor of the "Germania." He was sentenced to a year's imprisonment for libel of the government, but escaping immediate confinement and relying on the supposed immunity of deputies, he returned to take his place in the House. His appearance naturally created an uproar in the chamber, and a resolution was passed to prevent the arrest of any member during the session, without the consent of the Reichstag, or in other words protecting Majunka, and the Chancellor, sick and angry, took offence and resigned. The House had, however, voted in the way it had, rather to protect its own interests in general, than those of Majunka in particular; the majority of the members were moreover still ready to support Bismarck in his war with Rome. Therefore after the Reichstag had expressed its confidence in him by a vote of 199 to 71,² the Chancellor, with words of

¹ The best account of the Majunka incident is given by Wiermann, pp. 133-138.

² Sten. Berichte. Reichst., Dec. 11, 1874, Per. 11, Sess. 2, Bd. 2.

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encouragement from the Kaiser ringing in his ears, returned to his post at the head of the army of the State to meet the events of yet another year of strife.

The campaign of the year 1875, of which something must now be said, was opened by a blow from Rome on February 5th, in the shape of a Papal encyclical.¹ It marks a new and final stage in the Roman position. The Captain of the Papal hosts had already sanctioned and encouraged disobedience to the Prussian Laws. Now he went further, and practically declared that all laws against the Church were invalid as contradicting its divine constitution.² This was undoubtedly an incentive to rebellion, and the bishops, knowing what a storm the encyclical would arouse were it given to the public, were still hesitating as to what course they should follow, when on February 18th the "*Westfälischer Merkur*" settled the question for them by publishing the whole document from beginning to end.³

The Church did not have to wait long for

¹ Feb. 5, Encyclica des Papstes an die Erzbischöfe und Bischöfe in Preussen, Hahn, p. 163.

² See interpretation of "*Provinzialkorrespondenz*," of Feb. 19, where the Pope is said to have declared the laws "simply invalid."

³ Blum, p. 101.

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an answer from the State. One month later Bismarck introduced a bill¹ calculated to cut off the enemy from his base of supplies, and to give one crowning proof that he was master in Prussia. The bill, which as Lowe points out,² was directed against ecclesiastical rebels not only actual but also possible, simply abolished at one blow all payments of money made by the State to the Catholic Church until such time as the clergy should give in writing a statement of their willingness to obey the State in every particular. This meant a loss for the Church of about one and three quarter million marks a year in actual money and excluding what would also be given in disbursements of kind (*Naturalleistungen*) and for residences (*Amtswohnungen*). The government grants to the Church of Rome were paid in accordance with the agreement of Friedrich Wilhelm III. in 1821,³ and embodied in the bull "*De salute animorum*." To the payment there was only one condition attached, namely, no encroach-

¹ Vorlage wegen Einstellung der Leistungen des Staates für die römisch-katholische Kirche, insoweit nicht der Bischof oder der einzelne Geistliche sich verpflichtet, die Gesetze des Staates zu achten. Sten. Bericht. Abgeordnetenrh., March 4, 1875, Ser. 7518, Bd. 1,

² Lowe, p. 287.

³ See motives for the bill. They are given in part by Hahn, pp. 166-167.

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ments on the civil rights. This condition had been flagrantly broken by the encyclical of February 5th, and the State on its part justly considered itself free to violate its part of the bargain. It is true that the Church was rich enough to face such a blow without flinching ; and, as Bismarck said, no great results were expected from the law. " But we are doing our simple duty," the Chancellor told the Prussian House, " and we are doing that for God and Fatherland." ¹ But there was no need now as in the former year to arouse the Conservatives to support the anti-Roman campaign ; since the encyclical the most confirmed Tories had been ready to support the government. The bill was passed in both houses by an enormous majority and was entered in the code on April 22nd. ²

The cry that the new law was unconstitutional met with short shrift, for already on April 16th, before it was ratified, Falk had appeared with a new proposal to abolish the constitution so far as it concerned the Church. ³ On the same day Bismarck spoke ; ⁴ the State

¹ Sten. Berichte. Abgeordnetenrh., March 16th, 1875, Ser. 1875, Bd. 1.

² Ibid.

³ The alterations to the constitution were accepted by the Abgeordnetenrh., May 11, and by the Herrenhaus, June 11.

⁴ Sten. Bericht. Abgeordnetenrh., April 16, 1875, Series 1875, Bd. 2.

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was abolishing Articles 15, 16, and 18 unwillingly, he said, but such a course had been made necessary by the changed conditions of the time. Since the Vatican decrees, these three articles had simply meant "that the affairs of the Catholic Church in Prussia were managed by the Pope" with "danger to the security of the State." And he went on to show that "this power belonged to a foreigner, elected by Italians who had very little to do with the German Empire or the Kingdom of Prussia."

But even after the Constitution had been rectified, there was still necessity for further action. A bill¹ entrusting the administration of parishes to a local board elected by the people, was passed in the spring and became law in June. The original intention of the government had been that the chairman of each parish board should be the priest, but the House, which since the encyclical had been anxious even to outdo the ministers, introduced a provision excluding the priest from the chairmanship, and it was with this provision that the bill became law. Nevertheless during the next four or five years the parish board system was generally recom-

¹ Gesetzentwurf über die Vermögensverwaltung katholischer Gemeinden. Introduced Jan. 27. Commission appointed Feb. 16. Signed June 20, 1875.

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mended and adopted by the bishops as it prevented the management of parish affairs from passing over into the hands of a state-appointed commission.

As a close to the whole course of legislation came the so-called "Cloister Laws,"¹ which were meant to rob the Papal party of the bulk of its troops. According to the bill which was brought into the Landtag on May 1st all religious orders in Prussia were dissolved and expelled from the kingdom. Members of orders engaged in teaching were given four years' grace; all others were to leave the country within six months. The bill followed naturally and completely the great mass of legislation which had preceded it. The religious houses were to some extent under Roman and French influence, the majority of them centres of disaffection to the nationalism of the Bismarckian policy, and no measure other than a sweeping bill of banishment and expatriation could bring to an end the revolutionary activities of the eight thousand Papal agents which the Jesuits had left behind them.²

¹ Aufhebung der geistlichen Orden und Kongregationen. Introduced May 1, 1875, discussed May 3-10.

² The motives for the law give statistics as to the growth of religious orders in Prussia. In 1855 there were 913 members in the Kingdom; in 1872-73, 7992, of whom 176 led a purely contemplative life (*ein rein beschauliches Leben*) *Sten. Bericht. Abgeordneten.*, May 10, 1875, Ser. 1875, Bd. 2.

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Free of them, the government could say to itself, as Falk told the House on the day the bill was passed, "We are now in the position that we shall not need to ask for any further laws."

IV

PEACE LEGISLATION AND PRESENT CONDITIONS

1876-1908

The defences of the State were at last complete, and it seemed that she would only have to wait until the time when her enemies, tired of the fight, should retire from the attack. So successful had the struggle in Germany against Roman aggression appeared to spectators abroad, that in Switzerland a similar campaign had been inaugurated,¹ and even in Austria legislation on the Prussian model had been introduced for the protection of the State.¹ In England there was great delight at every Roman defeat, and at a large mass-meeting held at St. James' Hall in London, in January, 1874, at which, after a message from Lord Odo Russell had been read, resolutions of encouragement and sympathy were passed and sent to Kaiser Wilhelm.² Throughout England at large, great interest was taken in the struggle, and according to Blum, "even Gladstone forgot

¹ See Wiermann, Chap. VI., "Gegner und Bundesgenossen Preussens im Kulturkampfe," pp. 162-182.

² A full account is given by Wiermann, 178-182.

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his hatred for Germany, won over by the fight which she fought in those great days for the whole world.”¹

Those critical observers, however, who were able to view the situation at close range, found little in the condition of affairs to inspire confidence in the ultimate victory of the State. It is quite true that her position had been in some ways strengthened, and that the Church had suffered great losses both in men and money. Yet, on the whole, the power of Rome remained unshaken, and the persecution to which she was subjected served only to increase her strength and the number of her converts. Bismarck had crushed Austria and France, but in the Roman Catholic Church he had met an opponent of completely different calibre.

The great mistake which the State had made was in its choice of weapons. The May Laws upon which Falk had placed such hopes, were proved during the three years which followed the close of legislation to be quite incapable of accomplishing their ends. “It was only by seeing the laws in practice,” Bismarck wrote at a later date,² “that I be-

¹ Blum, p. 90. A reading of Gladstone's *Essays on the Vatican Decrees* affords abundant proof of his friendship for Germany.

² Bismarck, “*Reflections and Reminiscences*,” Vol. II., p. 60.

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came convinced that the details of Falk's system had not been properly conceived for the effect they were expected to produce." We only need to consider for a moment the condition of Prussia in 1879, to realize what the Chancellor meant.

Out of twelve Prussian bishoprics, eight were vacant. Fourteen thousand parishes were without priests. Dozens of schools and seminaries were closed. The religious orders had been driven from the land, and hundreds of secular priests banished and expatriated. Catholic newspapers were repressed, Catholic cloisters deserted, Catholic churches profaned. The entire funds of the Church had been withdrawn, and the religious convictions of almost half of the Emperor's new subjects violated and abused.¹ "The picture of dexterous, light-footed priests pursued through back doors and bedrooms by honest but awkward Prussian gendarmes, with spurs and trailing sabres," Bismarck confessed to be not only entirely distasteful to him,² but also to supply convincing evidence to his mind of the existence of an error in the conception of Falk's whole system. The laws which had been framed for the purpose of

¹ Blum, 937.

² Bismarck, "Reflections and Reminiscences," Vol. II., p. 60.

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strengthening the State and consolidating the new national union, had resulted in stirring up a strife in Germany, the equal of which had not been seen since the days of the Diet of Augsburg. Instead of consolidating the Empire, Falk's laws had so retarded the much-to-be-desired reconciliation between Prussia and Poland, between Prussia and Bavaria, that even to-day the memories of the last five years of the seventies have yet to be lived down.

It was not long before many of those who had themselves trusted in Kulturkampf tactics began to wonder whether the government had gone the right way to work. As Thiers said to Arnim, "M. de Bismarck is a remarkable man, but what I can not understand from any point of view is his Church policy."¹ As the years went on and the Catholic Church still stood firm, glorying in a persecution which it could compare to that of Diocletian and showing not the slightest sign of fainting under its wounds, all over the Empire Thiers' opinion found its echo.

There is no doubt that Bismarck himself as early as 1877 began to have doubts as to the ultimate outcome of the struggle, and it is

¹ Lowe, "Prince Bismarck," p. 299.

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equally sure that in after years when writing his reminiscences of these days, he felt it to the advantage of his reputation as a statesman to disassociate himself as far as possible from Falk's legislation. "I never thought of occupying myself with the legal details of the May Laws," he wrote ; "they were outside my department, and I had neither the intention nor the qualifications to control Falk as a jurist. I could not as Minister-President fulfil the duties of Minister of Public Worship at the same time, even if I had been in perfect health."¹ Nevertheless, Bismarck must always be held responsible for the May Laws. As leader of the Government which introduced them, he appeared, as has already been shown, not once but twenty times in the Landtag and Reichstag to champion them. Moreover the laws bear the stamp of his particular mode of thought ; they are of the "blood and iron" variety, cut on the same pattern of ruthless force as was the series of enactments with which during the next decade he attempted to crush the rising power of Social Democracy. In both struggles, in that against Religion as proclaimed by Rome, as in that later one against Revolution, he

¹ Bismarck, " Reflections and Reminiscences," p. 60.

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used the same tools, and met with the same very dubious degree of success.

It is of course easy enough to criticize ; it is more difficult to make any constructive suggestions. It must be remembered that the attack was made by Rome in the first place. It is true that in England the government met this attack by simply refusing to take any notice of it ; "our onward even course must not be changed by such follies."¹ In Prussia perhaps a similar policy might have been adopted, if a compromise could have been reached with the Centrum. But even presuming that in Prussia an answer had to be made to the Vatican decrees, had there been any necessity to go as far as the Falk Laws had gone? To begin with, the abolition of the Catholic Section of Public Instruction, aimed as it primarily was against the Poles, was a mistake. Poland can never be Germanized by force, although it is taking German politicians a long time to learn this lesson, and the only result of the first move on the checkerboard was to arouse bitter feelings and opposition, not only among the Poles themselves, but throughout the entire body of German Catholics. It was a tactical error,

¹ Gladstone, "The Home Policy of the Future," Chap. VII., "The Vatican Decrees."

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which at once united the supporters of nationalism with those of Romanism. It was a most inopportune time to make any such attack on Catholic susceptibilities, and the same statement applies to the bills against the Jesuits and the other religious societies. For such measures there was no immediate necessity, yet they were both fierce attacks on the Roman Church, made at what must under any circumstances have been a time of extreme danger and crisis. Instead of adopting only those measures of defence which the Papal decrees had made absolutely necessary to the continued existence of the State, the Imperial and Prussian governments adopted an offensive policy, seized the enemy's territory in every possible quarter, and abolished many institutions which had been tolerated for many years in the past, and which without danger to the State might have been tolerated for many years in the future.

Under these circumstances the Church was obstinate so as even to be unpatriotic. Almost every bishop in Germany forbade the faithful to join in the celebration of Sedan Day, in 1874,¹ and this pro-French feeling

¹ See Blum, p. 112.

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must have been most exasperating to a man of Bismarck's stamp. But it is doubtful whether such feelings were very real in the breast of any German bishop, and this whole side of the question can perhaps be explained by the extreme position which the Catholic episcopate was at this time forced to take by the foolish claims of the Pope on the one hand, and by the aggressive campaign of the German governments on the other. Further, one finds no ground for the claim put forward by Blum, that so far as Rome was concerned, the struggle was based on policy.¹ If that were so, the Church would never have consented to see her schools closed and her revenues withdrawn, in preference to making a mere vow of the lips. No, the Church fought for a principle, absurd though that principle must seem to every unprejudiced man ; her battle, though often undignified and fought with questionable weapons, never lacked in courage and determination. On the other hand Bismarck himself admitted somewhat strangely, that the policy of the State involved no question of honour or principle at all, but was entirely regulated by expedience.²

¹ Blum, p. 111.

² Lowe, " Prince Bismarck," p. 299.

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This time it was Rome herself who adopted Luther's words, "Ich kann nicht anders, hier stehe ich."

There is then no doubt that by 1878, Bismarck had realized that the May Laws, "had not been properly conceived for the effect they were intended to produce."¹ What then should be his next step? There was of course the simple plan of rescinding Falk's whole system. But another solution to the difficulty may possibly have suggested itself to him.

It lay in the Old Catholic movement, the origin of which has already been treated in another connection, and which had been most cordially welcomed by most of the German governments. In 1873, a bishop had been elected in Cologne in the person of the scholarly Reinkens, who had been recognized by the Prussian government and voted a stipend of 16,000 thalers yearly by the Landtag.² The movement had attracted the widest attention, and in the first congress of the Church at which a declaration of faith was framed delegations were present from the Evangelischer Kirchentag, the Deutscher und

¹ Bismarck, "Reflections and Reminiscences," Vol. II. p. 60.

² Wiermann, p. 125.

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Protestantenverein, as well as several Anglican bishops and the Rector of the Theological Academy in St. Petersburg, and the effort was made to lay down a broadly Catholic and Apostolic creed.¹ There were a few enthusiasts who saw in Old Catholicism the Church of the future, to whom it seemed to offer a basis upon which Catholic and Protestant might meet again in Germany. Whether Bismarck was ever one of those who seriously believed in the possibility of such a reunion, it is difficult to say. Majunka thinks he was, and that it was for this reason that the Prussian government gave the movement such liberal help.² We know at any rate from two sources,³ that before the war of 1870, Bismarck had spoken to Wagener of founding a German National Church, and of giving Ketteler, the Archbishop of Cologne, the title of "Prince-Primus of the Catholic Church in Germany." Afterwards, when the Old Catholic movement arose, it is by no means unlikely that he saw in it an opportunity to begin the new Empire with a new national Church, properly subdued to the power of the

¹ Blum, p. 119.

² Majunka, p. 110.

³ For a fuller discussion of this question as well as of Church union in Germany, see Appendix E, p. 135.

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State, a Church which would in time comprise within its borders the entire German people, Catholic and Protestant alike. One of the most attractive features of such a plan was that it offered a way out of the *Kulturkampf*. Falk's laws might have stood, if a new Church arose on lines entirely apart from them; and if Old Catholicism had swept over Catholic Germany in the seventies as Protestantism did in the sixteenth century, the idea of one all-embracing Church would indeed have been brought into the field of practical politics. Had the Old Catholic cause prospered, we should probably have seen national "Church Union" established in Germany under Bismarck, as a direct result of the Papal decrees and the *Kulturkampf*. But Old Catholicism was never taken hold of by the people ; it remained essentially a learned movement, and in 1878, had only 52,000 followers throughout the whole of Germany.¹ In short it was not strong enough to supply the help which Bismarck needed.

There was then only one alternative, retreat. This was made particularly easy at the close of the seventies by the death of Pope Pius on the one hand, and the retire-

¹ According to Blum, p. 121. it had fallen to 32,000 by 1882.

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ment of Falk on the other.¹ Although the Chancellor had known for some time that the May Laws must be modified he never asked their author to leave the ministry. Falk succumbed to the feminine influence at Court, and it was not until he had suffered "mortifications that wounded his sense of honour"² at the hands of the Empress herself, "that he decided to resign."³ All assertions that the Chancellor ousted him from the ministry rest on invention, and Bismarck was glad to count him as one of his chief lieutenants so long as he could prevail upon him to stay.

Falk's retirement and the accession of Leo XIII. were events which made a *rap-prochement* with Rome much easier for the Chancellor. There was another event, namely the growing disaffection of the Liberal element in the Chamber, which made such a proceeding necessary for him. In Reichstag and Abgeordnetenhaus the Clerical Party numbered about one-fourth of the entire membership, while the Conservatives and Liberals were each about equally numerous. A combination of any two of these parties would

¹ July, 1879.

² Bismarck, "Reflections and Reminiscences," p. 60, Vol. II.

³ Ibid., Vol. II. p. 62.

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give a majority, and as long as Conservatives and Liberals held together in support of the ministry, Bismarck was able to scorn the constant opposition with which the Centrum met every bill that was brought in. He had hoped that in the school of this "Kultur" conflict two great political parties such as exist in England would be formed in Germany to replace the many small fractions; one, by far the larger, supporting and maintaining the State, the other in opposition.¹ But in this he was to be quite disappointed, for during the course of the struggle itself the Liberals began to grow restless and display the spirit of schism, and as it became more and more evident that the Chancellor could no longer rely on their support, the necessity of his looking elsewhere for support was brought every day more clearly home to him. The Centrum alone could help him, and it was naturally only willing to do so in exchange for a modification of the May Laws. Thus the fate of the Falk legislation was sealed.

After Falk's departure then, the question which Bismarck had to face was not, "Shall

¹ Sten. Berichte. Abgeordnetenb. March 16th, 1875. Ser. 75, Bd. 1.

"These words are the strongest condemnation of his policy." J. W. Headlam, "Bismarck and the Foundation of the German Empire," p. 403.

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we desert or continue in the old policy"? but rather, "To what degree shall we desert it"? The indispensable part of the legislation he held to be "the removal of the articles from the constitution, the acquisition of means for combating Polonism, and, above all, the supremacy of the State over the schools."¹ On the other hand, there was, as he himself admitted, a good deal that was superfluous, such as "the injunctions against clerical activity and the legal apparatus for catching recalcitrant priests."² By surrendering such points as these, the Centrum would be won over to the government's support, and thus a serious danger, the combined opposition of Clericals and Liberals, avoided. It thus became necessary to find for the vacant post of Kultusminister a man who would have the tact and ability to carry out this policy of conciliation and retreat. The choice fell upon Herr von Puttkamer, a member of the Bismarck family, and a man who understood how to temper justice with mercy and even indulgence. His first speech in the Abgeordnetenhaus, while containing no definite promises, was completely different

¹ Bismarck, "Recollections and Reminiscences," Vol. II p. 64.

² Ibid. Vol. II., p. 65.

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in tone from Falk's utterances. "The Roman Catholic Church is an institution which fully merits the reverence of its communicants and the respect of other Christians," he said,¹ "and if through recent occurrences this Church has had to suffer a good deal of oppression, there is no one who regrets it more sincerely and deeply than I."

It will be impossible to trace, except in the merest outline, the course of events which led up to the establishment of a *modus vivendi* in 1887. It is not a particularly interesting story, only a long chronicle of concessions from the State to the Church. At first there was an effort made at compromise, and conferences were held between representatives of the government and various church dignitaries at Kissingen,² Gastein,³ and Vienna.⁴ Bismarck pleaded for a policy of conciliation, "mutual compromise is the only possible solution,"—and at first it seemed likely that the Church would regard the matter in the same light. The new Pope had declared that

¹ Sten. Berichte. Abgeordnetenrh., February 5, 1880.

² For conference at Kissingen, July 29-Aug. 16, '78, between Bismarck and Cardinal Masella, Bavarian Nuncio, see Blum, p. 381-2. Also "Provinzialkorrespondenz," Aug. 14, 1878.

³ Gastein, Sept., '79, Bismarck and Pronuncius Jacobi, Blum, 384.

⁴ Vienna, Nov., '79—May, '80, Prince Reuss and Jacobi, Blum, 384.

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“his soul would never find rest until peace had been restored in Germany,”¹ and indeed, the entire tone of the Curia had changed since the death of Pius. But as it became more and more evident after the crimes of Hödel and Nobiling, that Bismarck would under any circumstance have to procure the support of the Centrum against the rising forces of Socialism and Revolution, it was resolved at Rome to make him pay the highest possible price. There was, indeed, really no reason why the Curia should not exact the full pound of flesh for the persecutions of the last ten years, and the standpoint taken was, that the Holy Father could do nothing “until the Royal government should promise the Pope to bring the Prussian code into full harmony with the foundation principles² of the Catholic Church.” It was suggested that for great withdrawals on the part of the State the Pope should order the Clericals to support the government ; but the answer came back, “Rome has no influence over the

¹ Letter to Reuss, Ambassador at Vienna, April 20, '80, Hahn, 231.

² Leo XIII. to Archbishop Melchers of Cologne, February 24, 1878, Hahn, p. 225.

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Centrum."¹ Yet with every session of parliament the necessity of reconciliation with the Blacks became more and more pressing. Clericals, Poles, Guelfs to a man, stood together in opposing whatever measures the government might bring forward.² The result was that Bismarck bowed to the inevitable.

In 1880, the first Falk Law Amendment Act³ was introduced, giving discretionary powers in the carrying out of the laws of May, 1873-4. In certain cases the Kultusminister was empowered by the bill to give his per-

¹ Reported to Bismarck on March 29, 1880, by Prince Reuss, who was informed by Jacobi on behalf of the Pope. The full report may be consulted in the "Europäischer Geschichts-Kalender," 1880, pp. 164, et seq., published by Schulthess. It is also included, but only in part, by Hahn, p. 227.

In one sense this was true. According to a secret arrangement made by Leo with Majunka, on behalf of the Centrum in Rome, 1880, the Centrum was declared "in purely political questions to be perfectly free and entirely independent of the Holy See." In regard to laws dealing with Catholic privileges, however, the members must only consent to these being made in a manner pleasing to the Pope. Thus Hohenlohe's statement in a letter of May 5th, 1880, to Reuss (Hahn 234) is only partly justified: "The declaration that the Holy See has no influence over the Centrum is simply disbelieved here." See Majunka, 1st edition, pp. 727-28.

² See letter from Bismarck to Reuss, May 14, '80, Hahn 235, where the Chancellor complains that except in the tariff reform question the Centrum had persistently voted against every government measure throughout 1879, even in regard to the Socialist movement.

³ Sten. Berichte, Abgeordnetenrh., May 11, 1880. Read May 28, discussed May 29, 1880. 2nd Reading, June 18-24. 3rd Reading, June 26-28. Final vote, 198 to 197.

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mission for the appointment to clerical posts of foreigners and of persons who had not fulfilled the conditions in regard to education, while dispossessed bishops might be again accredited to their sees. The cry of bargaining with the Centrum for party motives was raised against the Chancellor, who of course alleged in reply, that he had been moved to introduce the bill through sympathy for his Catholic fellow-countrymen. After a stiff struggle the measure became law, and afforded immediate relief throughout the country, so that by 1882, only three bishoprics were vacant in Prussia.

This "July Law" was followed in 1882 by another step towards reconciliation, when Herr von Schölzer, late ambassador at Washington, presented his credentials to the Pope as Prussian minister.¹ In July 1881, von Puttkamer was transferred to the Department of the Interior, where Bismarck needed a strong man to fight the Social Democratic propaganda, and as Kultusminister he was succeeded by Dr. von Gossler, a master in the gentle art of reconciliation. In January 1882, he introduced a second amendment act, the first one having expired at the end of 1881.²

¹ Blum, 396.

² Sten. Berichte. Abgeordnetenrh., Jan. 17, 1881, discussion, Feb. 7, 8, 1881.

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Practically a repetition of the first, though in some respects going perhaps even further. it was the first government bill that the Centrum had ever supported, and this was a sign which augured well for the future. In December of the same year, the Pope showed his appreciation of the German efforts at reconciliation by writing the Kaiser a long letter of thanks for restoring diplomatic relations with the Vatican.¹ The Pope expressed the hope that "the mighty power of the Church would be able to lead the people back to the fulfilling of those duties, which, as citizens and subjects, were incumbent upon them, to-day especially when society was trembling to its foundations." This was in short nothing less than a proposal to fight Socialism through the Church, and Bismarck promptly expressed his delight by introducing a third peace law.² Its purpose, as officially stated, was to restore those conditions which had existed in Prussia before 1849, and which still obtained in Baden, Bavaria, and Wurttemberg. The "Anzeigepflicht" and the State's right to veto appointments were

¹ Blum, 401.

² Sten. Berichte. Abgeordnetenrh., June 25th, 1883, Series '83, Bd. 3, and Sten. Berichte, Herrenhaus, July 2, 1883, Series '82-'83, Band 1. The bill was signed July 11th, 1883. It is given by Schultheiss for 1883, p. 86-90.

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accordingly abolished in the case of assistant priests ; the judicial powers of the Court for Ecclesiastical Causes were narrowed ; and finally the regulations in regard to vacant parishes and bishoprics were made less severe. In the same year the Crown Prince visited the Pope in Rome, and three years later, Bismarck, who was always cleverer at foreign politics than in domestic, paid Leo the great compliment of appointing him arbitrator between France and Germany in the Caroline Islands dispute, which of course resulted in an exchange of high decorations between Rome and Berlin. Moreover in 1887, when the new Army Septennate Bill came up for discussion, the Pope sent word to the Centrum that it was to give the government every possible assistance in the passing of this bill.¹ Windthorst declared this impossible, and for a time it seemed doubtful whether the party would obey, but finally it was resolved that the Catholic members should take no part in the debate and withdraw when it came to voting, and thus the measure was opposed by 23 votes only.² There is no doubt that the Pope had in this matter met

¹ See Blum, 521-2.

² Sten. Berichte Reichst., March 9th, 1887, Per. VII., Sess. I., Bd. I.

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the wishes of Bismarck, and to the unprejudiced observer it must indeed have seemed a change since the days when the Chancellor had thundered against Pius for interference in the internal affairs of the Empire.¹ Almost simultaneously a new peace law was introduced,² the last of Wilhelm's reign, establishing a new and less stringent oath for bishops,³ and above all re-admitting the religious orders. This latter article read: "Within the borders of the Kingdom of Prussia those orders of the Catholic Church shall again be permitted, which busy themselves with the care of souls, and the exercise of Christian charity, the instruction of young women in the upper schools for girls, and finally such

¹ Lowe, "Prince Bismarck," 298.

² Sten. Berichte. Abgeordnetenrh., Feb. 22, 1887, Ser. 87, Bd. 1.

³ The episcopal oath reads as follows: "I—swear that I will be faithful and obedient to his Royal Majesty of Prussia and his lawful successors in the government, as my most gracious king and sovereign, promote his welfare according to my ability, prevent injury and detriment to him, and particularly endeavor carefully to cultivate in the minds of the clergy and the people under my episcopal care a sense of reverence towards the King, love for the Fatherland, obedience to the laws and all those virtues which in a Christian denote a good citizen, and I will not support any society or association either at home or abroad which might endanger the public security, and will inform his Majesty of any proposals made either in my diocese or elsewhere that might prove injurious to the State. I promise all these things more inviolably since I am certain that the oaths which I have taken to his Papal Highness and the Church bind me to nothing that can conflict with the oath of fidelity and allegiance to his Royal Majesty."

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as whose members lead a contemplative life." Only a few months before the passing of this bill, when it appeared to many that the State was going too far in its concessions, an Evangelical League was formed, which in April 1887, issued an appeal to all believers in the Evangelical faith: "Since the year 1880," it complained, "the State has retreated step by step," and it warned Bismarck that peace was not desirable at the price of honour. The Liberal press also was sorrowful and afraid, and leaders on the "welthistorischer Kanossagang" appeared in every liberal paper throughout the country. But the bill was passed notwithstanding all the protests, and a *modus vivendi* on the basis practically of the *status quo ante* established. In a sense it was the closing event of the Kulturkampf.

Nova potentia crescit—the pious old Kaiser sank into his grave; his son, already sick unto death when he mounted the Imperial throne, followed him "home," as the Germans say, after a reign of ninety-nine days. In June, 1888, Wilhelm II. was proclaimed, and scarcely two years later, March 18th, 1890, Bismarck retired. Shortly afterwards, Ludwig Windthorst, "the national saint,"¹ died

¹ Bismarck, "Reflections and Reminiscences," Vol. II., p. 258.

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in the midst of his labours, and as Majunka exultantly records, "by special permission of the new Kaiser his body was born in state 'Unter den Linden' and through the Tor, an honour seldom accorded to any but princes." And the fallen Bismarck was sitting alone in Varzin. The words he had written in an autograph album many years before, were perhaps in his mind:

"Es ist ja nichts auf dieser Erden
Als Gaukelei und Taschenspiel."¹

Under Kaiser Wilhelm II. the policy of conciliation was continued. In reply to an address of loyalty and allegiance, presented by the bishops on August 29, 1888, the Emperor said, "Now that I know that the religious freedom of my Catholic subjects is assured by law, my confidence in the lasting maintenance of church peace becomes strengthened."² His predictions were confirmed. Shortly afterwards, a Catholic Chaplain-General to the forces was appointed in Berlin, and in 1890 Munster, the last vacant bishopric, was filled. When in the first year of the Kaiser's reign the Pope celebrated the fiftieth year of his priesthood, Prussia sent General von Loe to

¹ See title page Passinger's "Conversations with Bismarck."

² Cited by Blum, p. 578.

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congratulate him in the name of the German people, and in 1893 the Kaiser himself went to Rome and had an audience with the Holy Father.¹

During the days of the Caprivi régime almost "inconceivable concessions" were made to the Catholic Church, as Blum himself admits. On April 28th, 1890, von Gossler introduced a bill for the disposal of the funds which had accumulated owing to the law enacting the suspension of clerical livings.² The proposal was that an income of about half a million marks yearly should be paid to the dioceses from the accumulated sixteen millions ; but the Centrum stood out for the payment of all arrears with interest in full to date, and on June 7th, the government bill was defeated.³ In the following January a bill was accordingly introduced to hand over the entire sixteen millions to the bishops unconditionally, and in July, 1891, this magnificent march to Canossa was accomplished. Von Gossler had also introduced a School Act in 1890, which, while establishing the "Volksschule" on confessional lines, had pre-

¹ Blum, 686.

² Sten. Berichte, Abgeordnetenrh. April 28th, 1890, Ser. 90, Bd. 2.

³ Ibid., June 7th, 1890.

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served the state control. This, however, like his first bill for the disposal of the clerical funds, was opposed by the Centrum and defeated, and in March 1891, he retired. His successor, Graf Zedlitz-Trutzschler, brought in a new "Volksschule" bill on January 15th, 1892,¹ which was a complete surrender, and handed over the schools, part and parcel, to the Roman Church. A tremendous shout of protest went up not only from Prussia, but from every part of the Empire. But the Commission of the House, which had the bill in hand, was composed principally from the Ultramontane and Junker elements, and every liberal amendment was accordingly promptly voted down. It seemed as if nothing could prevent the bill from becoming law. Suddenly, however, a ministerial crisis arose; we shall probably never know exactly how. At a Cabinet Meeting, occurring on March 17th, the Kaiser seems to have rebuked Zedlitz for the extremity of the measure. The minister resigned on the same day, and Caprivi with him. The Chancellor's resignation was not accepted, but in Zedlitz' place appeared a certain Dr. Bosse, a man who had framed the anti-Socialist laws, and he at once withdrew the school bill.²

¹ Ibid., Jan. 15th, 1892, Ser. 92, Bd. 1.

² Blum, 694.

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The appointments of Hohenlohe in 1894, and of Bülow in 1901, to the Imperial Chancellorship, have had no particular influence on the trend of political events so far as the Centrum and the Roman Church are concerned. Under Hohenlohe, the government attempted to honour the Clerical party, and it in turn supported the government, although, to quote Majunka, it was "hardly a government, and never a governed, party." With the increase in the power of the Social Democrats in the Reichstag during the nineties, the government was forced to play into the hands of the Clerical leaders, and was, indeed, quite helpless without their support. This was shown in 1895, when a motion to send a letter of congratulation to Bismarck on the occasion of his eightieth birthday, though supported by Conservatives and Liberals, was defeated through the operations of the Centrum. The President and Second Vice-President of the Reichstag resigned, and two Centrum members were actually elected to fill these positions, "something unthinkable," as Majunka himself admits, a few years earlier. Bülow has on the contrary so far managed to dispense with Centrum support owing to his "bloc" policy, in pursuit of which he has united the Liberals and Con-

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servatives. The debate on the Harden-Moltke scandals in December, 1907, and the agitation for the broadening of the franchise in Prussia, in January 1908, have, however, shown how flimsy and unreal a thing this union really is, and its disruption may any day bring about a change in party politics and party combinations in the Reichstag. Should this come about, the new Chancellor will probably find it necessary to win the support of the Centrum again.

The Clerical party itself shows no signs of departing strength. There were many who expected that after the Kulturkampf the Centrum would disappear, and an effort was made to indentify the party with the struggle. Instead of disappearing it has grown, and today occupies 104 of the 397 seats in the Reichstag. In regard to religious questions, the attitude of the Centrum has only too often been that of "Catholic first, and German afterwards," and, when its parliamentary activities have not been prompted by the interests of Catholicism, it has as a rule favored reactionary policy. Yet on the other hand it must not be forgotten that the working-men of Germany have found no sincerer advocates than the Catholic deputies. The Clerical party has identified itself with

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factory laws, Sunday rest, restriction of child labor and compulsory insurance. Bishop von Ketteler¹ converted the Centrum to the cause of social reform during the days of the Kulturkampf itself, and it is a tribute to the work of the party that in those districts which return Clerical members, the rationalistic kind of Socialism has met with the least measure of success. Yet the Centrum, on the other hand, does not hesitate at times to vote with the Radicals in opposition to the Government, while at the elections it has always accepted the help of every party, hostile though it might be in itself, but which for the moment was temporarily working in the same direction, not only of Poles, Guelfs and French, but of Socialists as well.

The success of the Centrum has been due partly to religious fanaticism, partly to good leadership. As Bismarck once said, "it is the only party of which one can say that it has not been incapably led."² Windt-

¹ The reader is referred to three most interesting books by von Ketteler, "Die grossen socialen Fragen der Gegenwart, Sechs Predigten," Mainz, 1878 ; "Die Notwendigkeit und Zweckmässigkeit der Organisation des Christl. Arbeiterstandes," Mainz, 1890 ; "Die Frauenarbeit in den Fabriken und ihre verderblichen Folgen für die Familie wie für die Gesellschaft," Mainz, 1890.

² Bismarck, "Reflections and Reminiscences," Vol. II., p. 258.

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horst was one of the greatest party leaders of his day and his memory will long remain an inspiration to his party. To him alone were due that cohesion and united front which the Centrum was always able to present during the days of struggle ; it was he who held together so successfully Clericals, Socialists, Poles, Alsatians, Freethinkers, and Particularists in opposition to the Chancellor. As an all-round orator he was not equalled in the Reichstag except by Bismarck himself, and in reading the debates of the seventies it is always a relief to come on one of his speeches, for irony, satire, and humour are never lacking.¹

One often hears to-day of the prospects of another so-called Kulturkampf, that is, a political struggle between Rome and the State. It is, of course, quite certain that the conflict which has been waged since time immemorial between priests and kings cannot be brought to a close at the present day, especially in Germany. In Protestant countries, it has always been found impossible to state definitely the limits of Roman authority ; the renewal of the strife therefore de-

¹ For an English description of Windthorst's tactics in the House, see Dawson's, "Germany and the Germans," Vol. II., p. 131.

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pend, as Bismarck said, "upon ecclesiastical moods and upon the degree of combativeness not only of the Pope and his councilors, but also of the German bishops."¹ The State itself, having been defeated so lately, is not likely in the near future to recommence the struggle. Nevertheless, it must always retain its defensive attitude toward the Church of Rome. The Curia on its part, however, has many temptations to renew the conflict, for although the conditions under which the Catholic Church works in Prussia are as satisfactory to her as those existing in any Protestant country in the world, yet she must always regard an Evangelical dynasty and communion "as irregularities which it is her duty to cure."² The great danger zone in Prussia is Poland, where German and Lutheran are regarded as identical terms, just as are Polish and Catholic, and where political parties are thus divided on confessional lines. Here there always exists the possibility of trouble, but as the Imperial and Prussian governments learn how absolutely futile is the attempt to crush the Polish national spirit by force—and they are surely

¹ Bismarck, "Reflections and Reminiscences," Vol. II., p. 67.

² Ibid., p. 67.

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bound to learn this lesson before very long—the likelihood of circumstances arising in Poland which would involve the state in a struggle with the Roman Church will become more and more remote. In East Prussia, Polonism and Romanism are one and the same cause, and as soon as the powers that be learn to respect the feelings of the one, all causes of friction with the other in this particular locality will be simultaneously removed.

On the other hand, there is more danger of a real “culture struggle” arising, not from politics, though possibly in the end involving them, but rather from the great idealistic revival which during the last three or four years has swept over the Empire with such wonderful force. Materialism and Realism seem to have had their day, and it is the Idealism of Fichte and Hegel which is at the present moment triumphing, as it has never done before, in every lecture-room in the country.¹ In literature, Ibsen has already

¹ According to the returns published on Jan. 30th last by the “*Tägliche Rundschau*,” the number of performances of plays by idealistic authors shows a great increase in 1907 over 1906. Sudermann decreased by over twenty per cent. The foundation of a national society for the spread of art among the poor, the building of new churches, and the sudden popularity of excursions to the old home town (*Geburtsortsreisen*), afford ample evidence of the revived importance of sentiment and idealism in the intellectual life of present-day Germany.

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given place in the public estimation to Hauptmann, while in art the naturalism of Gabriel Max has had its vogue, and in the Galleries of Berlin and Munich it is the symbolism of Böcklin and Thoma that is most popular. Accompanying this revival of idealism, there has naturally come a revival of religious sentiment, and as a result Germany stands to-day at a great turning-point in the history of her intellectual life. Contemporaneously with this spiritualistic revival has come the Pope's Encyclical against Modernism. It has reached Germany at a time when she is all engrossed in a new intellectual movement, prohibiting the faithful from joining in anything which is new enough to unsettle Catholic doctrine. The result may be, indeed we may say it has already been, a new, and this time a real, "culture war." The bishops have, of course, shown themselves entirely subservient to the Papal commands. In December, 1907, they met at Cologne, and in their New Year's greeting to the Holy Father congratulated him on his courage in speaking out, and promised, "with all their power to work with him in the rooting up of the weeds of error which the Evil One has sown in the garden of the Lord."¹ But many of the

¹ See "Vossische Zeitung," Berlin, Jan. 14th, 1908. "Die loyalen Bischöfe."

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Catholic clergy have not shown themselves so obedient. A large body of priests in Württemberg addressed a letter of protest to the Pope last October: "Does not the Holy Father perceive the difficult position in which his Encyclical has placed all Roman Catholic professors of Theology in the State Universities? Of a truth these are derided by their colleagues in the other Faculties. They are pointed out as men who are deprived of all free movement in the investigation of truth, and who are surrounded on all sides by guardians, watchmen, and censors."¹ The truth of this statement has been borne out in the case of Dr. Schroers, Professor of Catholic Theology at Bonn, a man of perfectly orthodox views, who has, however, published a pamphlet on the Church and Science, in which he explains how the Catholic Theological Faculties are curbed and prevented from training students to think for themselves. Dr. Schroers' temerity has resulted in an injunction from the Archbishop of Cologne, prohibiting students from attending the professor's lectures on Church History.² This action is a violation to some degree of the

¹ See London "Morning Post," Oct. 29th, 1907.

² Ibid.

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freedom of the Prussian Universities ; at the same time, according to the statutes of the Theological Faculty at Bonn, the faculty "stands under the spiritual superintendence of the Archbishop."¹ Thus once again we are led back to that ill-defined boundary between Church and State, and a difference, wholly intellectual in its nature, may thus involve the government in a political struggle. But this is not likely, though the great war between Modernism and Roman doctrine, a war purely intellectual and spiritual, a real *Kulturkampf*, must be waged, with what results no one can prophesy. It must be the earnest desire of every Prussian that the State will not become involved politically, for as to the results of such a struggle the testimony of history speaks with no uncertainty.

The one point which Bismarck was not willing to surrender under any circumstances

¹ See "Die katholisch-theologischen Fakultäten im Organismus der preussischen Staatsuniversitäten," Leipzig, Breitkopf & Härtel, von Graf Hoenskroech. The conditions under which the Catholic Theological Faculties at Munster, Bonn, Breslau, and Strassburg work are explained and the radical course of abolishing the Catholic Theological Faculties as State institutions advocated. The radical "Vossische Zeitung" has also been supporting this plan for some time past, at least ever since the Encyclical against Modernism.

Similar trouble has also arisen at Munich. See "Münchener Nachrichten," Jan. 5, 1908, "Wissenschaftliche Freiheit und theologische Erziehung," by Prof. Brentano.

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during the peace-making days of the eighties, was the supremacy of the State over the Schools, and this through the personal intervention of the Kaiser during the Caprivi régime has up till now been maintained. There is, however, no real centralisation of the elementary or secondary school system either in the German Empire as such, or in the single States ;¹ in Prussia, as elsewhere, the local authorities are allowed great latitude in the management of the schools, and thus the influence of the Church in the education of the young varies in different parts of the Kingdom, although in no part are the schools officially controlled by priestly influence. The introduction of uniform school legislation in

¹ For a full account of education in Germany, see Lexis, "Das Unterrichtswesen im deutschen Reich," Berlin, A. A. Asher & Co., 1904. The work is in four volumes, the second and third of which deal with Secondary and Elementary Education. This is the only official book on the subject, having been compiled at the suggestion of the Prussian Minister of Education for the St. Louis World's Fair. A synopsis also exists in English under the title of "A General View of the History and Organization of Public Education in the German Empire," by W. Lexis, translated by G. L. Tamson, Professor of English in the University of Göttingen, Berlin, A. Asher & Co., 1904. The following data have been extracted from the smaller volume, pp. 100-103, 56-57. Number of hours given to Religious Teaching :

I. In Elementary Schools :

1. In Prussia,

Danzig,	4 hours a week.	Total No. instruction
	hours, 20-32.	
Hanover,	4 hours a week.	Total No. instruction
	hours, 20-32.	
Berlin,	4 hours a week.	Total No. instruction
	hours, 28-32.	

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all parts of the country is much to be desired, and in the present session of the Prussian Landtag such a bill is expected, although as to its provisions it is still too early to speak. As at present regulated, all schools are confessional, and that religion is taught which the majority of the pupils profess. Only one religion is taught in a school, and thus there are separate schools for State Church Protestants, Catholics, and Jews. No provision is made for dissenting Protestants¹ or Atheists. No children brought up in a religious belief other than that taught are forced to attend the instruction, but sufficient evidence must in every case be given that they receive the proper religious instruction elsewhere.² The

2. In Bavaria, Munich,	2 hours a week.	Total No. instruction hours, 25-34.
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3. In Saxony, Dresden,	2 hours a week.	Biblical Knowledge
	2 hours a week.	Church Catechism
		Total No. instruction hrs. 20-38

II. In Secondary Schools,

In Gymnasia, Realgymnasia, Higher Realschulen, and Realschulen, the average amount of religious instruction given is two hours a week.

It will be seen from these statistics that in some classes, in Hanover and Danzig for example, one-fifth of the total time in school is spent in religious instruction, while in Munich as little as one-seventeenth of the child's school hours are thus occupied.

¹ Of these there are not many, 145,540 in 1890.

² Von Zedlitz introduced the provision that proof must be given of the children receiving sufficient religious teaching. See Dawson, "German and the Germans. p. 110.

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religious teaching given in the schools is for the most part quite mechanical, comprising Biblical instruction and history, and the memorizing of the Catechism and Decalogue. Except in Catholic Schools no moral lesson is drawn, and indeed the aim of such instruction in fostering morality and religion is seldom realized.¹ If one asks the average young German why she or he never darkens a church door, the answer almost without exception will be, "I got enough of that sort of thing in school." That this feeling exists, is indeed not to be wondered at. The religious instruction given is of the most orthodox kind imaginable. A certain Herr Leipacher, teacher in the Volksschule at Grabowen, in East Prussia, was discharged in December, 1907, because he characterized the story of the Fall as a legend (Sage), and mentioned the Evolutionary Theory in teaching Natural Science. A Berlin newspaper rightly declares that one can not wonder at boys "who leave school at an unripe age to face, thus defenceless, the anti-religious agitations of the present day quickly losing all remnants of their faith in Christianity,"²

¹ See article on German Education by M. J. Ellis Baker, in "Contemporary Review," Nov., 1906.

² "Vossische Zeitung," January 5th, 1908. "Eine unaufschiebbare Reform."

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and it pleads for a reform of religious instruction as one of the necessities of the day; either do away with it entirely, or reform it, so that no teacher will have to teach what he does not believe to be true. The government is apparently adopting the latter course, for during the present Winter-semester (1907-08), a special course of lectures has been given in the University of Berlin for Volksschule teachers on the Bible and Science, and it is expected that this is a preliminary step towards the establishment of a broader system of religious instruction in the Prussian public schools. The Anglican Bishop of North and Central Europe has stated it as his belief, that it is the compulsory religious instruction in her schools that is making Germany the strongest power in Continental Europe,¹ and such statements are common enough in England especially during the present educational controversy there; but it may be safely said that one only needs to live among the youth of Germany to learn that this same instruction is turning the nominally Protestant part of the Empire into a nation of agnostics.

¹ "The London Times," Oct. 3rd, 1907, report of the Yarmouth Church Congress, Oct. 2nd, from an address by Bishop Wilkinson.

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This is not as it should be, for the German is mystical and sentimental, a lover of nature and a deep and persistent thinker, and therefore possesses all the essential elements of religion itself.¹ And indeed it would be a gross error to say that any portion of the Empire is irreligious, be it Protestant or Catholic. It is, however, only too true that there is little organized religious life outside of the Catholic parishes, and that the militant forces of Christianity are lacking throughout the Protestant North. This is due to two causes. In the first place, the German is not gregarious by nature; he is happiest when he is alone, and worship in a crowded church does not appeal to him. And, in the second place, the Church itself does not force its way into the social life of the people. The Lutheran Pastors as a rule take little interest in the working-man and make no effort to combat Social Democracy. Speaking of the proposed visit of German pastors to London next summer, a Berlin paper said, 'They would learn much in England, for in the practical carrying out of religion we are quite outclassed by the English Church.'

¹ See "Deutsches Volkstum," 2 Aufl. Leipzig, Bibliogr. Institut., 1903, von Hans Meyer, pp. 13-15.

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The home-land of the Reformation has indeed produced a Wichern and a Francke, but no Charles Kingsley."¹ The Catholic Church has not suffered from the same lethargy since its days of trial in the seventies. Persecution has usually encouraged growth, and the Kulturkampf has not been without effect in both the purely spiritual as well as in the more practical domain of the work of the Catholic Church. The Christian Socialist movement, originated by von Ketteler, has kept the working-man within the communion, and the Catholic Church has grown steadily since 1870. The present religious revival to which reference has already been made, has originated outside of the Church entirely ; it is to be hoped that it may pierce the walls of conservatism and indifference which to-day surround the great organization of Luther. If it does, the Evangelical Church may yet play a glorious rôle in the great Kulturkampf of the future, the war of truth and progress and culture against superstition and blindness wherever found.

¹ "Vossische Zeitung," Berlin, January 21, 1908, "Noch eine Friedensfahrt."

APPENDICES

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APPENDIX A

PAGE 15.

One almost hesitates to speak categorically in regard to the rise of the Centrum, but what has been said here in the text represents an honest attempt to supply a solution to a very difficult problem. How can the facts be reconciled that at the end of 1870 the revival of the Clerical Party was declared against by the leading Catholics, and that in January 1871, as Majunka himself admits, a party existed? Only in one way, that the party which was formed was not intended to be sectarian. Thus one is justified in stating that the Clerical Party had not been revived. On the other hand it was not long before it was seen that the Church cause would not be supported by the Protestant members ; there were only two Evangelicals who ever counted themselves as Centrum members ; thus, although not established as a Clerical, Catholic Party, it very soon developed into one. There is therefore no inconsistency in saying that the Clerical Party had not been revived, and then on a later page referring to the fraction as "the clerical party." The Centrum was at first not clerical ; later it was. This is the only interpretation one can give of the facts as they are recorded.

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APPENDIX B

PAGE 19.

There were in all seven articles, the chief being as follows :—

Art. 2. Jeder Deutsche hat das Recht, durch Wort, Schrift, Druck und bildliche Darstellung seine Meinung frei zu äussern.

Art. 4. Alle Deutsche sind berechtigt, sich ohne vorgängige obrigkeitliche Erlaubniss friedlich und ohne Waffen in geschlossenen Räumen zu versammeln.

Art. 6. Die Freiheit des religiösen Bekenntnisses, der Vereinigung zu Religionsgesellschaften und der gemeinsamen häuslichen und öffentlichen Religionsübungen wird gewährleistet. Der Genuss der bürgerlichen und staatsbürgerlichen Rechte ist unabhängig von dem religiösen Bekenntnisse. Den bürgerlichen und staatsbürgerlichen Pflichten darf durch die Ausübung der Religionsfreiheit kein Abbruch geschehen.

Art. 7. Die evangelische und die römisch-katholische Kirche, sowie jede andere Religionsgesellschaft ordnet und verwaltet ihre Angelegenheiten selbständig und bleibt im Besitz und Genuss der für ihre Kultus-, Unterrichts-, und Wohltätigkeitszwecke bestimmten Anstalten, Stiftungen, und Fonds.

APPENDIX C

PAGE 38.

Secs. 130 and 131 of the "Strafgesetzbuch" read as follows :—

Sec. 130. Wer in einer den öffentlichen Frieden gefährdenden Weise verschiedene Klassen der Bevölkerung zur Gewaltthätigkeit gegeneinander öffentlich anreizt, wird mit Geldstrafe bis zu 600M oder mit Gefängnis bis zu zwei Jahren bestraft.

Sec. 131. Wer erdichtete oder entstellte Tatsachen, wissend, dass sie erdichtet oder entstellt sind, öffentlich behauptet oder verbreitet, um dadurch Staatseinrichtungen oder Anordnungen der Obrigkeit verächtlich zu machen, wird mit geldstrafe bis zu 600M. oder mit Gefängniss bis zu zwei Jahren bestraft.

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To which von Lutz wished to add :—

130a. Ein Geistlicher oder anderer Religionsdiener, welcher in Ausübung oder in Veranlassung der Ausübung seines Berufes öffentlich vor einer Menschenmenge oder welcher in einer Kirche oder an einem anderen zu religiösen Versammlungen bestimmten Orte vor mehreren Angelegenheiten des Staates in einer Weise, welche den öffentlichen Frieden zu stören geeignet erscheint, zum Gegenstand einer Verkündigung oder Erörterung macht, wird mit Gefängnis bis zu zwei Jahren bestraft.

APPENDIX D

PAGE 52.

The Jesuit Bill read :—

Sec. 1. Der Orden der Gesellschaft Jesu und die ihm verwandten und ordensähnlichen Congregationen sind vom Gebiet des deutschen Reichs ausgeschlossen.

Die Errichtung von Niederlassungen derselben ist untersagt. Die zur Zeit bestehenden Niederlassungen sind binnen einer vom Bundesrath zu bestimmenden Frist, welche sechs Monate nicht übersteigen darf, aufzulösen.

Sec. 2. Die Angehörigen des Ordens der Gesellschaft Jesu oder der verwandten Orden oder ordensähnlichen Congregationen können, wenn sie Ausländer sind, aus dem Bundesgebiet ausgewiesen werden ; wenn sie Inländer sind, kann ihnen der Aufenthalt in bestimmten Bezirken oder Orten versagt oder angewiesen werden.

APPENDIX E

PAGE 99.

The references are, "Bismarck nach dem Kriege," p. 63, anonymous, but supposed to be by Wagener :—

" Das Jesuitengesetz war vorzugsweise das Werk des Geh. Rats Wagener, der damit die Selbständigmachung der Bischöfe vom Jesuitenorden bezweckte. Der Plan, den dieser Herr vor dem Kriege mit dem Kanzler bearbeitete war ein sehr weit aussehender. Er richtete die Aufmerk-

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samkeit des Fürsten darauf, den Bischof von Ketteler zum Erzbischof von Köln zu machen. Dies sollte der erste Schritt zur Ernennung desselben zum Fürst-Primus der katholischen Kirche in Deutschland sein. Die katholische Kirche sollte die Stellung einer privilegierten Korporation in Deutschland erhalten. Die Regierung würde durch den Primas mit dem Papste einerseits, mit dem deutschen Episkopate anderseits verhandeln. Mit Hilfe des auf sozialem Gebiete so erfahrenen von Ketteler sollte dann eine konservativ-soziale Reformpolitik getrieben und der Kapitalismus, die Judenherrschaft, gebrochen werden. Nach dem Kriege und nach der Mobilmachung der klerikalen Partei sollte wenigstens die Selbständigkeit der deutschen Bischöfe gegen die Jesuiten gesichert werden."

And Rudolph Meyer, "Potische Gilränder"
p. 83.

"Der ältere Plan, einen Primas von Deutschland zu ernennen, läuft auf die Zusammenfassung der deutschen Katholiken und auf eine freilich mit dem katholischen Kirchenbegriff nie vollkommen zu vereinbarende grössere Selbständigkeit von Rom hinaus."

Happily Germany has been saved from such a danger, if indeed, it ever really existed. The Evangelical Church is most nearly lifeless to-day in those parts of Germany where it has the least opposition from Catholicism, and the same may be said of the Roman Communion as well. The most virile branches of the Roman Catholic Church are to-day to be found in England, the United States, and central Germany, where it is fighting a constant struggle with Protestantism, and not in such countries as the Province of Quebec and Portugal where it is supreme. The danger of self-satisfaction and inertia through lack

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of healthy opposition, must always constitute the conclusive argument against any form of Church Union.

Nevertheless, the whole question was opened up again last year by an address delivered by Prof. Harnack, at the academic celebration of the Kaiser's birthday, concerning the possibility of a reconciliation in Germany between the two great Christian bodies. It is indeed clear that the relations between the Churches have been altered by the rebellion of a considerable portion of Catholic Germany against the recent Papal Syllabus and Encyclical. An attempt has been and is now being made to escape from beneath the thick cover of mediaeval ignorance in which some would still envelop Germany, and to break from the bonds which in the past have debarred the Catholic portion of the population from taking an active part in the intellectual life of the Empire. The hour of fate has indeed struck for Catholic Germany, and in such an hour if the Catholics themselves make the attempt to gain their freedom, the Protestants will probably not withhold a helping and sympathetic hand. The idea of a union between the Roman and Wittenberg types of Christianity is of course mere phantasy, and when men come forward to declare

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the possibility of such a welding together, their utterances are merely interesting as curious instances of fanaticism of a peculiar variety. But on the other hand, the establishment of a *modus vivendi* is in reality within the range of practical politics, and on both sides many of the leading theologians and church leaders are working manfully for the bettering of the relations at present existing between Protestant and Catholic Germans. Harnack suggested that the talisman was to be found in the mediaeval sects in the Catholic Church, which might serve as a model for all Christian conduct. A later proposal has come from the Göttingen professor Tschackert ("Modus Vivendi," Göttingen, 1907), a strict Protestant, and for many years actively engaged in combating Rome. His utterances, which are of considerable practical value, may be summed up by the sentence, "Set differences in the background, and pledge ourselves to what is common to us both." "As intellectually free men," says the writer, "we can overlook a good deal in regard to our Catholic neighbors, and seize on what is good in their system. Theology will always have a sharp memory, and never dares forget, but practical men can look at things differently. All offences of the past, the mis-

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fortunes which Pope, Clergy, Jesuits and Catholic Governments have brought to Germany, all the painful memories of the Thirty Years' War, these we may set aside." It is true that any attempt at a *modus vivendi* would be opposed by the Jesuit Order and the Centrum, but there are duties with the results of which we are not concerned. If an honest attempt were made by Protestants at re-establishing friendly relations, it is more than probable that it would be met half way by the "Low Church" members of the Catholic Communion.

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